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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 9 अप्रैल, 1974/19 चैत्र, 1896

GOVERNMENT OF HIMACHAL PRADESH

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 28th January, 1974

No. 6-23/69-Agr. Sectt.—In supersession of this Department notification of even number, dated the 14th October, 1971 published in the Rajpatra, Himachal Pradesh dated the 18th October, 1972 and in pursuance of the provision of section 33 of the

Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970), the Governor of Himachal Pradesh is pleased to make the following revised rules for carrying out the purposes of the said Act:—

RULES MADE UNDER THE HIMACHAL PRADESH AGRICULTURAL PRODUCE MARKETS ACT, 1969 (ACT NO. 9 OF 1970)

CHAPTER I PRELIMINARY

1. *Short title, extent and commencement*:—(i) These rules may be called the Himachal Pradesh Agricultural Produce Markets Rules, 1971.
(ii) These shall come into force at once.
2. *Definitions*:—(1) In these rules, unless there is anything repugnant in the subject or context:—
 - (i) “Act” means the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970);
 - (ii) “buyer” means a person buying any agricultural produce either himself or on behalf of any other person as his agent or servant or as commission agent, and includes pre-harvest or post-harvest buyer of the agricultural produce;
 - (iii) “bye-law” means a bye-law made under sub-section (1) of section 34 of the Act;
 - (iv) “Commission agent” means a dealer who, on behalf of any other person and in consideration of a commission, makes or offers to make a purchase or sale of any agricultural produce or does or offers to do anything for carrying out such purchase or sale;
 - (v) “Deputy Commissioner” means the Deputy Commissioner of the district having jurisdiction over the notified market area or, if such area is situated in more than one district, the Deputy Commissioner of one of these districts, as may be designated by the State Government in this behalf; and includes any person authorised by him to act on his behalf;
 - (vi) “Form” means a form appended to these rules;
 - (vii) “incidental charges” mean the charges payable by the seller in lieu of the services rendered in connection with the handling of agricultural produce prior to the finalisation of the bid at the auction, such as unloading, cleaning and dressing charges and shall also include remuneration for weighing of agricultural produce after the finalisation of the bid at the auction/ negotiation;
 - (viii) “Kacha arhtiya” means a dealer who, in consideration of commission, offers or renders his services to sell agricultural produce;
 - (ix) “licensee” means a person holding a licence issued under these rules;
 - (x) “market charges” mean all charges payable by the buyer in lieu of the services rendered in connection with the handling of agricultural produce after the finalisation of the bid at auction, such as the commission, brokerage, auction charges, remuneration of palledar, filling and sewing, but shall not include remuneration for weighing;
 - (xi) “palledar” means a person who assists in loading, unloading, weighing, measuring, cleaning and dressing of agricultural produce;
 - (xii) “progressive producer” means a producer, who, in the opinion of the Director of Agriculture, carries on agricultural production on improved lines;
 - (xiii) “seller” means a person selling agricultural produce either himself or on behalf of any other person as his agent or servant or commission agent.
- (2) Words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act.

CHAPTER II

HIMACHAL PRADESH MARKETING BOARD—APPOINTMENT OF ITS MEMBERS AND FUNCTIONS

Section 3
and 33 (2)
(i) (ii).

3. *Constitution of the Himachal Pradesh Marketing Board.*—(1) For the purposes of enabling the State Government to nominate the official and non-official member—

(a) *Official members:*—Under clause (a) of sub-section (1) of section 3, three official members will be nominated by the Government from the state officers, besides the Director of Agriculture and Deputy Director of Agriculture (Marketing).

(b) *Non-official members.*—The Director of Agriculture shall submit to the State Government the panel of names of non-official members equal to twice their number to be nominated in the manner provided under sub-clause (b) of section 3 of the Act.

(2) The casual vacancies among non-official members of the Board shall be filled by calling a panel of names in the manner indicated in rule 3(1) consisting of such number as the State Government may in each case direct.

(3) The term of office of non-official members shall commence from the date on which the appointment is notified in the Official Gazette.

4. *Functions of the Himachal Pradesh Marketing Board.*—(1) The functions of the Himachal Pradesh Marketing Board, in addition to the provisions of sub-sections (13) and (15) of section 3 and other provisions of the Act shall be to advise the State Government in matters of better marketing and trade relation and better regulation of trade in agricultural produce and improvement of agricultural marketing in the Regulated Markets of the Pradesh. Besides, the Board shall also act as a liaison between the State Government and the Market Committees in all matters under the purview of the Act.

Section 3
(11) and 33
(2) (iii).

(2) The Chairman of the Board shall:—

(i) be responsible for the administration of the Himachal Pradesh Agricultural Produce Markets Act, 1969, and shall subject to any other provisions contained in these rules, exercise general control over the employees of the Board and those of Committees;

(ii) be the competent authority for approving the budgets of Market Committees; and

(iii) be responsible for the preparation of the annual or any periodical budget of the Board.

(3) The Secretary of the Board shall, in relation to matters pertaining to the Board and Market Committees, exercise the powers conferred on him under the Act or the rules made thereunder.

CHAPTER III

PUBLICATION OF NOTIFICATION OF MARKET AREA AND MARKET

5. (1) Copies of a notification issued under sections 3(19) and 4 of the Act shall be published in one or more of the undermentioned modes under the orders of the Chairman of the Himachal Pradesh Marketing Board:—

(i) in Hindi and if necessary in English language in all such newspapers as the Chairman may decide;

(ii) the Board will give publicity among persons likely to be affected by or interested in the sale and purchase of agricultural produce in the proposed notified market area:—

- (a) by affixing a copy of the notification in Hindi and if necessary in English language as may be considered expedient by the Chairman of the Board in the office of every Municipal Corporation, Municipal Committee/Small Town Committee/Notified Area Committee, Panchayat and/or any other organisation or society, if any, within whose jurisdiction the notified market area or any part thereof is situated and at some conspicuous place(s) in the existing market, if any;
- (b) by affixing a copy of the notification in Hindi, and if necessary, in English language as may be considered appropriate by the Chairman of the Board in the principal common meeting place or any rendezvous of interest, if any, of every village in the countryside within the notified market area; and
- (c) by beat of drum in the villages within the notified market area.

(2) The time of publication under clauses 5(1) (i) (ii) (a) (b) and (c) and the time and frequency of the drum-beating under clause (c) shall be determined by the Chairman, Himachal Pradesh Marketing Board.

(3) *Expenses of notification.*—The expenses of the publication under sub-rule (1) of the notification issued under sections 3(19) and 4 of the Act shall be met out by the Government of Himachal Pradesh.

6. *Method of notification.*—(1) A market established in a notified market area shall be notified as under:—

Section 5
(1) (2) of
the Act.

- (i) by putting up a notice, giving the boundaries of the market, outside the office, if any, of the Market Committee, or if there be no such office, in some conspicuous place in the market to be selected by the Chairman or in his absence the Secretary of the Market Committee concerned;
- (ii) by beat of drum in the market and in such other place(s) and at such time(s) as may be considered, suitable by the Secretary or Chairman of the Market Committee concerned.

(2) The expenses of notifying a market shall be met out of the funds of the Market Committee concerned.

7. *Licensing by the Board.*—(1) Any person desiring to obtain a licence under section 8 of the Act.....

Section 4
(3) 33 (2)
(xxiv) of the
Act.

- (i) with a view to setting up, establishing or continuing any place for the purchase, sale, storage of agricultural produce in a notified market area or purchasing, selling, storing and/or processing the agricultural produce, or
- (ii) as a seller or buyer or both buyer and seller of the agricultural produce, shall apply to the Secretary or any officer authorised by the Chairman of the Board in this behalf in writing, through the Committee of the area in Form 'A' (in duplicate) given in the appendix to these rules and shall deposit a sum of Rs. 100.00 (Rupees one hundred) in cash with the Market Committee concerned as the annual licence fee. If the same person applies for licence under both (i) and (ii) above only one fee of Rs. 100.00 (Rupees one hundred) shall be chargeable:

Provided that it shall not be necessary for the owner of any premises letting out the same to any other person for setting up, establishing or continuing or allowing to set up, establish or continue any place for the purchase, sale, storage and processing of the agricultural produce to obtain a licence if he himself does not work as a dealer, as long as the licensee/lessee of the property holds valid licence.

(2) The Secretary of the Market Committee or some other official authorised by the Committee or by the Chairman to receive such application, shall immediately on receipt of such an application, check the receipt of the sum deposited and the application shall, then be entered in the register in the Form 'A' given in the appendix to these rules and forward with the least possible delay to the Secretary of the Himachal Pradesh Marketing Board or any officer authorised by the Chairman of the Board in sub-clause (ii) of clause (1) of this rule.

(3) On receipt of the application in the office of the Chairman, Himachal Pradesh Marketing Board, the official concerned shall again check into the receipt affixed on the application. The Secretary of the Board or the officer, if any, authorised in this behalf under the rule, on being satisfied that the granting of the licence(s) does not offend against any other provision under the Act or the rules, shall issue a licence, in form 'B' given in the appendix, which shall be sent to the Market Committee for delivery to the applicant concerned. The Board shall maintain a record of licences in the register in Form 'C' appended to these rules.

(4) The licence shall be subject to the conditions which shall be printed or noted on it or the orders which may be passed or notified in this behalf.

(5) An order passed under sub-rule (4) of this rule shall be forwarded in original by the authority making it, to the Secretary of the Board, while its purport shall forthwith be communicated in writing to the licensee(s) through the Market Committee of the area.

8. Penalty on breach regarding licences.—(1) An order passed under section 8(2) of the Act shall be forwarded in original by the officer making it to the Chairman, Himachal Pradesh Marketing Board, while its purport shall forthwith be communicated in writing to the licensee through the Market Committee of the area.

(2) The substance of the order shall further more be noted in the appropriate columns of the register maintained in the office of the Chairman, Himachal Pradesh Marketing Board and the Market Committee concerned, for the purpose.

9. One licence for one place.—A separate licence shall be required by a person for setting up, establishing or continuing or allowing to be continued more than one place for the purchase, sale, storage and processing of agricultural produce in the same notified market area.

10. Persons exempted from taking licences.—(1) The following persons shall be exempted from taking a licence for the purchase of agricultural produce:

- (i) confectioners and other purveyors of parched, fried or cooked food;
- (ii) oil pressers using indigenous machines called kohlus;
- (iii) hawkers and petty retail shop-keepers who do not engage in any dealing in the agricultural produce other than such hawking or retail sales;

Explanation.—For the purpose of this clause and clause (ii) sub-rule (2), a dealer whose turnover of the agriculture produce does not exceed Rs. 800.00 (Rupees eight hundred only) in any month of the year or Rs. 6,000.00 (rupees six thousand only) during the year for which exemption is claimed, shall be treated as a petty shopkeeper. The Secretary of the Himachal Pradesh Marketing Board will be the authority to declare a person as a petty shopkeeper and his decision shall be subject to the appeal to the Board within 60 days from the date of decision of the Secretary.

- (iv) persons who have been granted by the government a contract for the purchase and sale of tobacco and deal exclusively in tobacco;
- (v) officials of the Himachal Pradesh Government and/or Indian Union when making purchase for the State or the Indian Union.

(2) The following shall be exempted from taking a licence for the sale of agricultural produce:—

- (i) banks when proceeding against any agricultural produce belonging to a producer or a licensee under section 8 of the Act, to whom money has been advanced against the security of such agricultural produce;
- (ii) hawkers and petty retail shop-keepers who do not engage in any dealing in any agricultural produce other than such hawking or retail sales;
- (iii) officials of the State Government and Central Government when making sales on behalf of the Government for the State and Indian Union;
- (iv) persons who have been granted a contract by the Government for the purchase and sale of tobacco and deal exclusively in tobacco.

(3) Persons granted exemption under sub-rules (1) and (2) of this rule shall be bound to comply with the other provisions of the Act and the rules and bye-laws made thereunder.

11. Change in style and membership of firm.—(1) Where the licensee, holding a licence under section 8, is a firm, any change occurring in the membership of such firm otherwise than through inheritance, shall mean the constitution of a new firm and shall necessitate a fresh licence:

Section 8 of the Act.

Provided that in the case of a Hindu-joint family firm, any addition on account of birth of any member, shall not be treated as bringing about any change in the membership of the firm.

(2) Where a change, not necessitating a fresh licence under section 8, takes place in the membership or the firm changes its name without any change in membership thereof, an intimation thereon shall, within two weeks from the date of such change, be given, to the Secretary of the Board through the Chairman of the Board. The Secretary of the Committee shall, after making such enquiry as he may deem necessary, forward the application to the Secretary of the Board with his comments. The Secretary of the Board, on being satisfied about the correctness of the intimation, shall order necessary corrections to be made in the licence. Intimation of such order shall also be given to the Committee concerned and necessary corrections shall be made in the Register 'D' maintained in the offices of the Board and the Committee as well, for the purpose.

(3) If in a case covered by sub-rule (2) the firm fails to give necessary intimation to the Secretary of the Board within the specified time, the change in the membership or the name of the firm, as the case may be, shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licence.

(4) The licensee may apply to the licensing authority for making an addition or deletion in the particulars of the business for which a licence has been issued to him, by paying a fee of one rupee. The licensing authority may by an order allow such an addition or deletion whereupon the licence shall be amended accordingly.

12. Renewal of licence and issue of duplicate thereof.—(1) A licence granted under section 8 of the Act shall be valid for the period for which it is issued and shall, subject to any order passed under section 8(2) of the Act, be renewable by the authority granting it, on payment of the annual fee prescribed for the issue of such licence. Renewal application shall be made in Form 'F' for licences under section 8.

(2) An application for the renewal of a licence shall be made at least thirty days before the date on which the licence is due to expire:

Provided that the authority competent to renew a licence may, on the applicant's paying a penalty of fifteen rupees in the case of licence for a dealer under section 8 of the Act or a penalty equal to the amount of annual licence fee in the case of other licences, grant an application for renewal made within thirty days after the date of expiry of the licence. The authority competent to renew a licence may remit the penalty in whole or in part if it is satisfied that the delay was for reasons beyond the control of the applicant.

(3) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence expired.

(4) Except as provided in sub-rule (2), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for the grant of a fresh licence.

(5) If a licence granted under section 8 of the Act, or renewed under sub-rule (1) above is lost, a duplicate may be issued by the authority which issued the original, on payment by the licensee a fee of five rupees.

(6) The fee payable for the renewal of a licence under section 8 for its duplicate shall be payable to the Himachal Pradesh Marketing Board.

Section 8.

13. *Prohibition against grant of certain licences.*—No person shall at the same time hold a dealer's licence under section 8 as well as a licence under section 11.

CHAPTER IV

BOARD FUNDS EXPENDITURE ACCOUNTS AND APPEALS

Section 3
(9) (a) and
(d).

14. *Budget of the Board.*—(1) The Board shall meet not later than the first week of January each year to finalise the budget for the next financial year.

(2) The Budget finalized by the Board shall be submitted to the State Government not later than the last week of January preceding the year to which the budget relates.

(3) No expenditure shall be incurred by the Board unless there is a provision in the budget to meet the same.

(4) The Board may reappropriate any amount under a head of account to another with prior approval of the State Government.

Section 33
(2) (xix).

15. *Investment and disposal of the surplus funds.*—(1) The Board may invest or dispose of its surplus funds,—

- (i) in purchase or construction of buildings and acquisition or purchase of sites;
- (ii) in loans floated by Government;
- (iii) in National savings certificates;
- (iv) with any scheduled bank carrying the business of banking approved for this purpose by the Chairman of the Himachal Pradesh Marketing Board;
- (v) in loans to producers of the market area for agricultural improvement;
- (vi) in any of the securities specified in section 20 of the Indian Trust Act;
- (vii) in loans to the Market Committees; and
- (viii) in any other manner concerning development of the market:

Provided that the terms and conditions of advancement and repayment of loans under items (v) and (vii) shall be such as may be laid down by the Board.

(2) Any amount invested under items (ii), (iii), (iv) and (vi) of sub-rule (1) including the interest thereon shall be withdrawn only after the approval by the Board.

(3) An account of all investments and disposals of surplus funds of the Board shall be maintained in a register of investment in such form as may be deemed necessary by the Chairman and the Secretary of the Board.

16. Preparation and submission of plans and estimates for works.—(1) For works estimated to cost upto Rs. two thousand, the Chairman of the Board shall get plans and estimates prepared by the overseer appointed for the purpose under section 3(10) of the Act. The Chairman of the Board shall be deemed competent to approve the plans and estimates so prepared.

Section 33
(2) (xv).

(2) For works estimated to cost more than Rs. two thousand, the Chairman of the Board shall get plans and estimates prepared by the engineer appointed for the purpose under section 3(10) of the Act and if not appointed, by any qualified engineer stationed nearby, and shall submit the said plans and estimates to the Board for approval.

17. Allowances, gratuities and leaves etc., to the servants of the Board.—The rules applicable to Himachal Pradesh Government Servants, as amended from time to time, shall be applicable to employees of the Board in the matter of all allowances, gratuities, leave, punishment and appeal, etc:

Section 33
(2) (xxx)
(xxxi).

Provided that no permanent employee of the Board shall be dismissed except without the approval of the Government of Himachal Pradesh.

18. Management and regulation of Provident Fund.—The Himachal Pradesh Marketing Board shall start a Provident Fund for the benefit of its employees, and every servant of the Board, after completion of one year's service shall be required to subscribe 6½ per cent of his pay. An equal amount shall be contributed by the Board to the Provident Fund of its subscribers at the close of every month. Other conditions and rules in respect of Provident Fund shall be the same as are applicable to the employees of the Himachal Pradesh Government.

Section 33
(2) (xxx).

19. Travelling Allowances to the official members of the Board.—(1) If the official member of the Himachal Pradesh Marketing Board has to undertake any journey for attending the Board's or Committee's meetings or for any other work of the Board or Committees in the public interest, he shall be entitled to draw the same allowances as are admissible to him in his official capacity.

Section 33
(2) (xxvi).

(2) Travelling Allowances to the non-official members of the Board:—

All the non-official members of the Board, except the members of the Legislative Assembly, shall be entitled to draw the same travelling and daily allowance as are admissible to a Government servant of the first grade for any work concerning the Board or the Committee or to attend any meeting either of the Board or that of the Committee in the public interest.

If a non-official member happens to be a member of Himachal Pradesh Legislative Assembly, the provisions of the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971 shall apply.....

20. Refund of certain amounts.—(1) When.....

Section 33
(2) (vii) and
(xxv)

- (i) any sum has been deposited for the grant of a licence which has in fact not been issued; or
- (ii) a person has wrongly applied and paid for and been granted two or more licences of the same nature for the same notified market areas; or
- (iii) any money has been paid by mistake; the Chairman of the Board shall, on a written application being made within six months of such deposit and after such enquiry as he may consider necessary, order the refund of the appropriate amount, which shall be repaid to the persons concerned, after preparing a refund bill, out of the Himachal Pradesh Marketing Board Fund.

(2) The powers conferred on the Chairman of the Board by sub-rule (1) may also be exercised in the absence of the Chairman by the Secretary of the Board or in his absence by any other officer authorised by him in this behalf.

Section 37
(1), (2) of
the Act.

(3) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be traced.

21. Appeals.—(1) An appeal against the order passed under section 8 of the Act may be preferred to the Himachal Pradesh Marketing Board within 30 days of the date of the order appealed against, by means of a memorandum which shall be accompanied by a Crossed Postal Order of the value of Rupees fifteen in the name of the Secretary, Himachal Pradesh Marketing Board. The memorandum shall set forth concisely the grounds of objections to the order appealed from and shall be accompanied by a copy of such order and shall be presented by the appellant either personally or through a duly authorised agent or through postal correspondence.

(2) The result of an appeal preferred under sub-rule (1) shall be communicated to the applicant and/or to the Market Committee concerned, as the case may be.

22. Appeals against decisions/orders of the Himachal Pradesh Marketing Board.—(1) Any person aggrieved by the decision or order passed other than that passed under rule 21, by the Himachal Pradesh Marketing Board, may appeal to the Government of Himachal Pradesh, whose order shall be conclusive and final.

(2) Every appeal filed under the Act against the decision of the Board shall be accompanied by a Crossed Postal Order of the value of Rupees fifteen in the name of the Secretary, Himachal Pradesh Marketing Board.

(3) Subject to the provisions of sub-rule (1) no appeal under the Act shall be entertained unless it is accompanied by a Cross Postal Order as specified in sub-rule (2).

(4) The officers and servants of the Himachal Pradesh Marketing Board appointed under sub-section (10) of section 3 of the Act shall be exempt from the payment of such fee.

(5) The time-limit for filing an appeal shall be one month from the date of the order appealed from.

(6) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(7) The appeal shall be decided after notice, and after due opportunity to be heard, to the parties concerned, and after making further enquiry as the appellate authority may consider necessary.

(8) A copy of the decision on the appeal shall be supplied, on demand, to the appellant on the payment of ten paise per page or a part thereof, subject to a minimum of one rupee.

23. An abstract of the accounts of the receipt and expenditure of the preceding financial year (April to March), shall be prepared by the Secretary of the Himachal Pradesh Marketing Board not later than 20th April each year.

24. Balance Sheet.—At the close of each financial year, the Board's office shall prepare the annual balance sheet (particularly including assets and liabilities) in such form as may be prescribed by the Chairman/the Secretary, Himachal Pradesh Marketing Board.

25. Annual report.—The Secretary, Himachal Pradesh Marketing Board shall prepare an annual report especially depicting therein the main achievements made by the Board regarding regulation of agricultural marketing, an abstract of annual receipt and expenditure besides incorporating the balance sheet, prepared under rules 23 and 24, by the 30th day of June each year; and shall get the same published by September 30 of each subsequent year. The report so published may be priced if the Board so decides.

CHAPTER V

CONSTITUTION AND ESTABLISHMENT OF MARKET COMMITTEE

26. (1) For the purpose of constituting a Market Committee, the Chairman, Himachal Pradesh Marketing Board shall fix and notify, in such manner as may be considered necessary by him, a date by which panels of producers and of licensees under section 8, shall be furnished by the Deputy Commissioner concerned.

Section 10
of the Act.

(2) The Himachal Pradesh Marketing Board shall, within a fortnight of the receipt of the panels of names or as soon as possible thereafter, appoint the members and notify their names at the earliest.

(3) The notification shall specify the date from which the Market Committee is deemed to function. This information besides being communicated to the members thus appointed, shall be made known to the public by exhibiting a copy of the notification in the office of the Market Committee, or if there be no such office, in some conspicuous place within the notified market area to be selected under the orders of the Secretary, Himachal Pradesh Marketing Board.

27. *Election of Chairman and Vice-Chairman.*—(1) After the establishment and constitution of the Market Committee under sections 9 and 10, the Deputy Commissioner or any other officer authorised by him not below the rank of a Tehsildar shall, as soon as may be, call the first meeting of the Committee on a date and at the time and place to be fixed by him, and shall preside but shall not vote at such meeting.

Section 14
(1), 33 (i),
(iii) and (iv)
of the Act.

(2) For such a meeting the quorum shall be two-third of the existing numbrical strength of the Market Committee:

Provided that if a meeting called under this rule cannot be held for want of quorum no quorum shall be necessary at the next meeting called for transacting the same business.

(3) At such a meeting, candidates for the office of Chairman and Vice-Chairman shall be separately proposed and seconded. The proposer and the seconder shall not be the same person. The names of all the candidates proposed and seconded shall be read out by the presiding officer of the meeting.

(4) If there is only one candidate for each of the offices of Chairman and Vice-Chairman, he shall be declared by the presiding officer of the meeting to have been elected.

(5) If there are two or more such candidates, the votes of the members present at the meeting shall be taken.

(6) Every member present at the meeting shall be supplied with a voting paper on which the names of all the candidates for the office of Chairman or Vice-Chairman, as the case may be, shall be written legibly in Hindi. Every voting paper shall be initialled on the reverse by the presiding officer of the meeting.

(7) Every member present wishing to vote shall then place a cross mark against the name of the candidate for whom he wishes to vote and shall fold up the voting paper and deposit it in a sealed ballot box placed before the presiding officer of the meeting. If a voter is unable to do so, the presiding officer of the meeting may at the voter's request mark the voting paper in the presence of the members, according to the voter's direction(s), and deposit it in the ballot box.

(8) The presiding officer of the meeting shall then open the ballot box and count the votes in the presence of the members and declare the member who secures the highest number of votes to have been elected as the Chairman, or the Vice-Chairman, as the case may be. If there is an equality of votes among the two or more candidates, the presiding officer shall, then and there, draw lots in the presence of the members and the person whose name is drawn first shall be declared to have been elected.

(9) Any voting paper, which contains the signature of the voter or of which the mark is placed against more than one name shall be invalid:

Provided that no such uninitialled voting paper shall be deemed to be invalid merely for want of initials if it is established that the voting paper was indeed one of the voting papers distributed for voting to the members present.

(10) Immediately after the meeting, the presiding officer of the meeting shall cause notice declaring the names of the persons declared to have been elected as Chairman and Vice-Chairman to be affixed in some conspicuous place in the office of the Market Committee and the Chairman and the Vice-Chairman so elected shall be deemed to have assumed office from the same date.

(11) The voting papers shall be sealed by the presiding officer of the meeting and retained in safe custody in the office of the Chairman, Himachal Pradesh marketing Board, and the packet containing the voting papers shall not be opened or destroyed except under the orders of the Chairman of the Board:

Provided that no order for destruction of voting papers shall be passed before the expiry of 90 days from the date of election of Chairman or Vice-Chairman, as the case may be.

(12) The president of the meeting shall record the proceedings of the election in the minute-book of the Market Committee, and send a copy thereof each to the Deputy Commissioner in case he himself is not the president of that meeting, and the Chairman of the Himachal Pradesh Marketing Board.

(13) If any dispute arises out of an election of the Chairman or the Vice-Chairman, the State Government, after making such an enquiry as it may consider appropriate, shall give its decision as soon as possible but not later than three months which shall be final and binding.

Section 33
(2) (iii) of
the Act.

28. Term of office of Chairman and Vice-Chairman of the Committee.—(1) The term of office of the Chairman and the Vice-Chairman of a Committee shall be co-terminus with the term of office of the members who had elected them.

(2) A Chairman or a Vice-Chairman shall cease to function as such:—

- (a) on the termination of his membership ; or
- (b) on the acceptance of his resignation given in writing to the Board ; or
- (c) on the confirmation by the Chairman of the Board of the resolution passed by the members under sub-section (2) of section 14 ; or
- (d) on his removal from the membership by the State Government under section 13.

Section 33
(2) (iii) of
the Act.

29. Powers of Chairman and Vice-Chairman of the Committee.—(1) The Chairman of the Committee shall be its chief executive officer and all officers and servants of the Committee shall, subject to these rules and bye-laws, if any, made in this respect by the Committee, or by the Chairman of the Board, under section 34 be subject to his control. The Chairman shall make annual assessment of the work of the employees of the Committee:

Provided that a report about the annual assessment of the work of the Secretary of the Committee shall be sent by the Chairman of the Committee, through the Secretary of the Board, to the Chairman of the Board who shall also record his opinion thereon. In case, the Chairman of the Board disagrees with the opinion of the Chairman of the Committee or the Secretary of the Board, he shall send a copy of his opinion to the Chairman of the Committee or the Secretary of the Board as the case may be.

(2) Without prejudice to the generality of the provisions of sub-rule (1), the Chairman shall preside over, convene and conduct meetings of the Committee.

(3) The Chairman shall keep a watch over the financial and executive administration of the Committee and direct, in cases of emergency, the execution or stopping of any work, or the doing of any act which requires the approval of the Market Committee:

Provided that the approval of the Market Committee shall be obtained within twenty days from the date of such directive and the final sanction from the Chairman,

Himachal Pradesh Marketing Board within ten days from the date of approval of such directive by the Market Committee, in case where the approval of the Board is necessary.

(4) The Chairman shall forthwith report to the Chairman of the Himachal Pradesh Marketing Board in case any member of the Committee dies or becomes subject to any of the disqualifications mentioned in sub-section (5) of section 3 read with sub-section (7) of section 10; or the Chairman, Market Committee shall, further more, bring to the notice of the Chairman, Himachal Pradesh Marketing Board, any fact or facts which in his opinion tantamounts to debar a member from continuing as such.

(5) The Chairman may by an order in writing delegate any of his powers to the Vice-Chairman or Secretary, generally, or for such period as may be determined by him and may, at any time and without assigning any reasons, withdraw the delegation so made by a like order.

(6) The Chairman shall be the authority competent to grant casual leave to the Secretary of the Committee, but other kinds of leave to him shall be granted by the Chairman of the Board.

(7) If the Chairman is likely to be absent from the notified market area, or on account of illness or other circumstances, is unable to perform his duties, he shall inform the Vice-Chairman in writing accordingly. The Vice-Chairman shall thereupon act for the Chairman, and while so doing he shall have all the powers and privileges of and be responsible for all the duties of the Chairman. In the event of death of a Chairman, the powers, privileges and responsibilities of the Chairman shall be discharged by the Chairman who shall act as Chairman until a new Chairman is elected.

(8) The Chairman may send his recommendations in respect of any sort of reward for the work and worth of the Secretary to the Chairman, Himachal Pradesh Marketing Board, who shall submit the same to the Board for consideration and final decision thereon.

30. *Resignation of member (including Chairman and Vice-Chairman) of Committee.*—

(1) Any member of a Committee may resign his office by tendering resignation in writing to its Chairman and if, the member tendering resignation is himself the Chairman, he shall submit it to the Chairman of the Board:

Sections 15 and 33 (2) (iv) of the Act.

Provided that if no Chairman of a Committee has been elected the member may submit his resignation to the Chairman of the Board.

(2) Every resignation received under sub-rule (1) shall forthwith be forwarded by the Chairman of the Committee along with his comments to the Chairman of the Board who shall with the least possible delay, either accept or reject the same and submit it with necessary comments to the Himachal Pradesh Marketing Board in its ensuing meeting only for formal approval.

(3) The acceptance of every resignation shall be notified by the Board in the Official Gazette and the member shall cease to function as such from the date of such notification.

31. *Filling of casual vacancies of the office of the Chairman and/or the Vice-Chairman.*—

In the event of the Chairman or the Vice-Chairman vacating office for any reasons in accordance with the provisions of sections 13 and 15(1) of the Act, before the expiry of the term of office, the Chairman of the Himachal Pradesh Marketing Board or any other officer authorised by him in this behalf shall call a meeting of the Market Committee to elect another person as Chairman or Vice-Chairman as the case may be. The Chairman of the Board or the officer authorised by him in this behalf shall preside over such meetings but shall not vote. In the event of equality of votes the decision shall be taken by lot. Every Chairman or Vice-Chairman so elected under this rule to fill a casual vacancy shall hold office for the remaining term of office of his predecessor.

Section 15 (1) and 33 (2) (iv) of the Act.

CHAPTER VI

FUNCTIONING OF THE COMMITTEE

Section 11
(1) (2) (ii)
and (iv) of
the Act.

32. Meeting of the Committee.—(1) Any meeting of the Market Committee, other than those referred to in rule 27 or rule 31 and/or subject to any bye-law made in this regard under sub-sections (1) and (2) of section 34 of the Act, shall be called under the order of the Chairman.

(2) (i) The quorum for a meeting, not otherwise provided for in these rules, shall be four in a Committee of nine and seven in a Committee of sixteen.

(ii) The quorum for a meeting in which the annual budget is to be deliberated and proposed shall be not less than one half of the existing numerical strength of the Market Committee.

(iii) If a meeting called under this rule cannot be held for want of a quorum, one third of the total number of members of the Committee shall be necessary at the next meeting if called for transacting the same business.....three in a Committee of nine and five in a Committee of sixteen shall confer validity of the meeting in this behalf. And, further more.

(iv) If a meeting called under this rule cannot be held for want of quorum specified no quorum shall be necessary for a meeting to be valid if called for third time to operate upon the same business.

(3) Every meeting of a Market Committee other than those provided in sub-rule (1) shall be presided over by the Chairman or in his absence by the Vice-Chairman, and in the absence of both, by a member elected by the members, present in the meeting.

(4) The Vice-Chairman or the member presiding over a meeting in the absence of the Chairman and the Vice-Chairman shall, for that meeting or during the period which he presides over, have all the powers of the Chairman and be designated as such:

Provided that if the Chairman or the Vice-Chairman returns during the meeting, he shall resume his office.

(5) The Chairman of a meeting shall be responsible for preserving order, decide all points of order raised therein, to speak and vote on all questions at the meeting.

(6) All questions that may come up before a meeting shall be decided in accordance with the majority of votes of the members present and in every case of equality of vote, the Chairman presiding over the meeting shall have and may exercise, a second casting vote.

33. Language for transaction of business.—The business at the meeting of the Market Committee and all business of the Market Committee shall be transacted in Hindi/English.

34. Agenda for the meeting.—The agenda and the date of every meeting subject to the bye-law(s) if made in this regard, shall be intimated to every member of the Committee, at least, 10 days before the date of the meeting.

35. Maintenance of proceedings.—(1) A minute-book shall be maintained by the Secretary, and a record of the proceedings of every meeting shall be entered therein by him under his signatures and shall also be signed by the Chairman or the Vice-Chairman. The minutes of every meeting shall be read out at the next following meeting. In order to ensure that the minutes of a meeting are correctly recorded, the members who were present at the former meeting shall have the right of questioning the correctness of the recorded minutes, which shall be corrected with such modifications as may be decided upon to bring them in conformity with the facts. In case of any dispute.

regarding correctness of the minutes the opinion of the Chairman under whose Chairmanship the meeting was held, if he be present, shall be final. In case of absence of the said Chairman, the moot point shall be decided in accordance with the majority of the votes of the members who had attended the former meeting, and are present. The minute-book shall be permanently preserved. It shall be open to inspection at all reasonable hours by members of Market Committee and also by the Secretary and the Chairman of the Himachal Pradesh Marketing Board or any other authorised by the Chairman of the Board in this regard. The minute-book shall remain in the custody of the Secretary of the Market Committee.

(2) A copy of the proceedings of every meeting of a Market Committee shall be forwarded to the Secretary of the Himachal Pradesh Marketing Board within 10 days from the date of such a meeting.

36. Persons entitled to attend meetings.—The Chairman and the Secretary, Himachal Pradesh Marketing Board or any member of the Board authorised by the Chairman shall be entitled to attend any meeting of the Market Committee but shall not be entitled to vote. Any person considered very important and indispensable for any meeting in the opinion of the Chairman, Market Committee, may also attend the meeting but in no case he shall be entitled to cast vote. A copy of the notice convening every meeting shall be sent to the Secretary of the Board.

37. Members not entitled to take part in certain proceedings.—No member of the Market Committee shall be present at or vote or take any other part in any proceeding of the Market Committee or any Sub-Committee constituted by it under section 17 of the Act, relating to a matter in which he is interested.

Explanation.—Members shall be deemed to be interested in the matter in which he or any of his relations indicated below have a direct or indirect pecuniary interest.

(a) His wife/husband or children (b) His parents, brothers and sisters, their wives or husbands or children; (c) His wife/husband, parents, brothers and sisters, their wives and husband and children.

38. Authority to call special meetings.—On requisition by at least half of the members of the Market Committee or on his own motion, the Chairman may, if he is satisfied about the urgency of the matter, call a special meeting of the Market Committee to consider matters of immediate importance.

39. Functions, duties and powers of the Committee.—In addition to the duties, functions and powers, promulgated under the Act and which may be specified in the bye-laws, the Market Committee, *inter alia* shall be responsible for,—

Section 11
(1) and 33
(2) (ii).

- (i) the supply of all information which the Secretary or the Chairman of the Board or the Deputy Director of Agriculture (Marketing) or Director of Agriculture respectively or any officer not below the rank of Agricultural Inspector (Marketing) authorised by any one of them in this behalf, may require;
- (ii) the health, convenience and safety of the persons using the market yards;
- (iii) the maintenance of proper checks on all receipts and payments by its officers and servants;
- (iv) the proper execution of all works chargeable to the Market Committee Fund;
- (v) maintaining an account of each consignment or load brought into the Market Yard by any means of transportation;

- (vi) maintaining a register of fees collected;
- (vii) providing persons authorised to collect fee, a cash box and counterfoil receipt books;
- (viii) taking security from its officers and servants; providing badges to weighmen, palledars and servants;
- (ix) keeping accounts in such forms as may be specified in its bye-laws;
- (x) publishing annually, at the end of the financial year annual report incorporating especially an abstract of receipts and expenditure, balance sheet, particularly incorporating assets and liabilities and other progress accomplished in respect of regulatory sphere during the year;
- (xi) preparing and adopting budget for the ensuing financial year;
- (xii) regulating expenditure according to budget;
- (xiii) arranging for temporary/permanent storage or stocking of specified agricultural produce;
- (xiv) keeping a copy of the Act and the rules and notifications issued thereunder and of its bye-laws open to inspections free of charge in its office; and
- (xv) doing such other things as may, for the efficient working of Market Committee be considered necessary by the Committee; or as may be specified from time to time by the Secretary or the Chairman of the Himachal Pradesh Marketing Board.

(2) The Market Committee shall abide by the provisions specified in the bye-laws framed under section 34 of the Act to regulate the procedure and to provide for the effective discharge of functions and duties. Subject to the provisions of the Act and these rules, the bye-laws be all, *inter alia*, prescribed.

- (i) better marketing of agricultural produce and marketing of agricultural produce on co-operative lines;
- (ii) the grading and standardization of agricultural produce;
- (iii) the general improvement in the markets or their respective notified market areas;
- (iv) the maintenance and regulation of rest-houses, staff quarters and other buildings of the Board;
- (v) the procedure for giving aid to financially weak Committees;
- (vi) the allowance payable to the members of the Board or Advisory Committees;
- (vii) propaganda, demonstration, publicity and education for improvement of marketing and agricultural produce;
- (viii) the person or persons by whom, and the manner in which, a contract may be entered on behalf of the Board;
- (ix) the time and place of the meetings of the Market Committee;
- (x) the manner of convening a meeting and giving notice therefor;
- (xi) the conduct of proceedings at a meeting;
- (xii) the distribution of duties among members of the Market Committee and its officers and servants;
- (xiii) payment of travelling allowance to members of the Market Committee:

Provided that no bye-law under the sub-rule shall be brought into operation unless and until the Chairman or the Secretary, Himachal Pradesh Marketing Board certifies that the Committee's financial position permits for grant of such travelling expenses;

- (xiv) the persons by whom receipts may be granted on behalf of the Market Committee for money paid to them;
- (xv) the member or members of the Committee by whom licences to be issued by them may be signed;

- (xvi) the procedure for the receipt, hearing and disposal of complaints by the Market Committee or by their Sub-Committees;
- (xvii) fees to be levied by them in connection with the transactions relating to the purchase and sale of an agricultural produce or for weighing, measurement or storage of such produce through their agency;
- (xviii) the regulations of the duties of persons holding licences from the Market Committees and the fees, trade allowances or remunerations to be charged by them or by dealers;
- (xix) the leasing out or other management of the immovable property owned by or vesting in the Market Committee(s);
- (xx) the regulation of traffic in the market;
- (xxi) hours of business for the sale and purchase of the agricultural produce in the market;
- (xxii) procedures regarding the imprest money to be kept under the control of the Chairman of the Market Committee(s);
- (xxiii) the manner of checking weights, measures and scales and also measuring instruments in use in market areas, of stamping, weights measures and scales found to be correct and of issuing certificates in respect of such scales;
- (xxiv) the security to be furnished by the officers and servants of the Market Committees entitled to handle money on their behalf or entitled to be otherwise responsible in the opinion of the Committee; and
- (xxv) any other matter for the guidance of the members, officers and servants of the Market Committee and such other purpose as in the opinion of the Board, is calculated to promote the interests of the Board or the Committees, or to lead to improvement of agriculture marketing.

40. *Procedure for appeal to the Market Committee.*—(1) Every appeal preferred under sub-section (2) of section 11 shall be accompanied by a Crossed Postal Order of the value of Rs. 5 in case of all licensees; and shall be presented to the appellate authority (Chairman of the Committee) in the form of a memorandum by the appellant or his duly authorised agent. The memorandum shall set forth concisely the grounds of objection to the order appealed from and shall also be accompanied by a copy of such order.

Section 11
(2) and Section 33 (2).

(2) The limitation for filing an appeal shall be one month from the date of order appealed from.

(3) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be including.

(4) The appeal shall be decided after notice and after due opportunity heard to the parties concerned, and after making such further enquiry as the appellate authority may consider necessary.

(5) A copy of the decision on the appeal shall be supplied, on demand, to the appellant on the payment of ten paise per page or a part thereof, subject to a minimum of one rupee.

41. *Procedure for miscellaneous appeals from the orders of the Market Committee to the Himachal Pradesh Marketing Board.*—Every appeal filed against the orders of the Committee to the Board for which no specific provision has been made in these rules shall be accompanied by a Crossed Postal Order of rupees five in the name of the Secretary, Himachal Pradesh Marketing Board.

42. *Compounding of offences.*—(1) In case the Chairman of the Committee accepts a sum, by way of composition in accordance with the provision of section 41, he shall report the matter in the next meeting of the Committee, placing before the meeting all relevant papers in that behalf.

Section 33
(2) and section 41.

(2) A sum of money accepted by way of composition shall, in no case, be less than the amount of minimum fine provided for that offence under the Act or the rules or the bye-laws, if no such minimum fine is provided for, it shall not be less than fifteen percent of the maximum fine which can be imposed for the offence, in case of contravention of any provision of the bye-laws:

Provided that the amount so realised by way of composition shall be in addition to any amount due from the offender under the Act or the rules or the bye-laws :

Provided that officers and servants of the Committee shall be exempt from the payment of the fees.

43. Control and Conservancy of the Market.—(1) The Market Committee shall exercise such control over the markets and the sale and purchase of an agricultural produce therein as may be required for the due observance of the provisions of the Act and these rules; and shall manage the markets defined and declared under section (2) (g) and (5) (1), in the best interests of the trade.

(2) The market yards shall be open for trading at such hours as the Market Committee may from time to time determine.

(3) Loads of consignments of the agricultural produce intended for sale shall be assembled in the market yards at such places and in such manner and at such time, and ingress and egress shall be permitted to such persons and at such times, as the Market Committee may consider appropriate.

(4) The Market Committees may require any person holding licence under the Act to furnish, in respect of the agricultural produce handled, dealt or used by him, such information and within such period and in such manner as considered necessary in their opinion for regulating sale and purchase of such produce in the market area.

44. Amenities, facilities and comforts in the markets.—The Market Committee, in view of the funds at its disposal, shall provide such amenities, facilities and comforts in the market as rest houses, cattle shed, rain shelters, shades, parking accommodation, drinking water, water troughs for animals, laterines, urinals, bath rooms, lavatories and masonry compost-pits etc. in the interest of the producers and other persons using the market; and/or those which may be considered necessary by the Committee or specified by the Chairman or the Secretary, Himachal Pradesh Marketing Board. from time to time.

45. Storing of unsold agricultural produce.—(1) All specified agricultural produce brought into the market yards and not sold the same day shall be stored at such places as may be specified in the bye-laws of the Committee.

(2) Pending such arrangements as may be specified in the bye-laws, the unsold specified agricultural produce may be stored in the compounds, godowns and warehouses owned or hired by the licenced commission agent or warehouseman authorised by the Committee in this behalf.

(3) The unsold specified agricultural produce so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and an acknowledgement indicating the kind and weight of goods shall be given by the licenced commission agent or godown-keeper as the case may be, to the seller.

(4) Such storing of the specified agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

46. Provision of accommodation for storing agricultural produce in the market area.—(1) The Committee may provide facilities for storing specified agricultural produce in the market area and for that purpose hire or construct godowns or warehouses in the market area.

Section 25
(vii) of the
Act.

Section 33
(xiv) of the
Act.

(2) The specified agricultural produce shall be stored in the hired accommodation, godowns or warehouses of the Committee in the manner as may be specified in the bye-laws.

(3) The Committee may advance loans to the persons storing their produce in the accommodation provided by the Committee under sub-rule (2) on such terms and conditions and realise such charges for handling weightment and storing etc., as may be specified in the bye-laws.

47. Grading and standardisation of the Agricultural Produce.—(1) The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of specified agricultural produce (commonly sold in the market) as is considered necessary by the Market Committee, and/or specified by the Secretary or the Chairman of the Board to this effect, and/or shall get renewed the same as may be necessary under the circumstances, of the scheme from time to time. The Market Committee shall also arrange to keep and exhibit the samples of the different grades of specified agricultural produce in the place(s) and in the manner as is considered suitable in its opinion, with indications of prices prevailing in important markets with a view to keeping constantly apprised sellers and purchasers of market news to keep constantly widening their horizon of market intelligence.

Section 11
(1) (d) & 33
(2) (xxviii)
of the Act.

(2) The Market Committee may:—

(i) carry out the work of grading and standardisation of specified agricultural produce; or

(ii) supervise the work of grading and standardisation of specified agricultural produce brought into the market.

(3) The Market Committee may fix the charges for carrying out the work of grading and standardisation of specified agricultural produce in consistence with the provisions specified in the bye-laws in this behalf.

48. Prevention of adulteration.—(1) The Market Committee shall take such steps as may be considered necessary to check and prevent adulteration of the agricultural produce in the market area. The Chairman or the Secretary of the Committee may take all or any step within his power to stop, prevent, or discourage such adulteration.

Section 33
(2) (xxviii)
of the Act.

(2) If any person holding licence under the Act, the rules or the bye-laws made thereunder is found or detected to have adulterated any of the specified agricultural produce, his licence also may be liable to be cancelled in accordance with the provisions and conditions implied or specified under sections 8 and 11 (2).

Explanation:—For the purpose of this rule adulteration of agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties or different qualities, mixing of sieved remains of the agricultural produce, with agricultural produce and mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce.

49. Maintenance and display of prices.—The Market Committee shall:—

(1) maintain daily, weekly, monthly, and yearly maximum, minimum, average and model prices and also, if necessary, of other different types and grades of specified agricultural produce;

(2) in so far as it may be practicable, maintain and place at the disposal of those using the markets information in respect of the prices of the agricultural produce prevailing at the principal marketing centres of the adjoining region, at the principal marketing centres in the States and ports serving the States and also similar dissemination of the stocks held by mills and the like;

- (3) the daily rates of all important agricultural commodities authenticated by the Secretary, Market Committee or by a person authorized by him in this behalf shall be exhibited in Hindi in conspicuous places;
- (4) such bulletins shall be signed by the Secretary or the Chairman or other person as may be authorised by the Secretary in writing, and a copy of each bulletin shall be kept for record in the office of the Committee.

Section 33
the Act.

50. Regulation of advances to producers.—(1) A dealer, commission agent, or broker holding licence under the Act, may give advances either in cash or in kind to producers and shall maintain the account in form 'O'.

- (2) Advances under sub-rule (1) shall be made subject to the following conditions:—
 - (i) the rates of interest shall not exceed such limits as may be specified in the bye-laws of the Committee;
 - (ii) if any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower;
 - (iii) when the advances are given from time to time, an account book of the advances given, interest charged and repayment made shall be kept in the manner as may be laid down in the bye-laws of the Committee.
 - (iv) the lender shall give a copy of such account book to the borrower, and enter and attest with his signatures every individual transaction of lending and recovery in the copy of the account book so given; and
 - (v) the lender shall inform the Committee in writing of all the advances given either in cash or in kind to the borrower along with the conditions of advances so made.

Sections 16
and 20 of
the Act.

51. Execution of contracts.—(1) Subject to the provisions of section 16, no Market Committee shall further be competent to effect any contract unless a resolution is passed in this behalf by a majority of votes in a meeting of the Committee:

Provided that no contract of a value of rupees one thousand or above shall be executed without the previous approval of the Chairman, Himachal Pradesh Marketing Board:

Provided further, that every contract of a value of rupees one thousand or above shall be registered under the Indian Registration Act, 1908.

(2) Every contract made under section 16 and sub-rule (1) above shall be executed on payment by the lessee, purchaser or transferee, as the case may be, of such stamp fee as may be payable under the law for the time being in force.

52. Reports and returns to be submitted by the Committee.—(1) The Committee shall be responsible to submit such information, reports and returns in such form and manner and within such period as may be deemed necessary by the Secretary and/or the Chairman, Himachal Pradesh Marketing Board.

(2) The Committee shall also be liable to furnish such information, reports and returns in such form and manner and within such period to other offices as is considered necessary by the Committee itself or as is directed by the Secretary or the Chairman, Himachal Pradesh Marketing Board.

53. Appointment of Sub-Committees.—(1) *Disputes Sub-Committee*—

(a) the Market Committee shall appoint a Disputes Sub-Committee consisting of:—

- (i) one of the representatives of the producers on the Market Committee;
- (ii) one of the representatives of the licensees under section 4 (3) read with section 8 (1) of the Act, on the Market Committee;

(iii) one more person from out of the remaining members of the Market Committee, who shall also be the Chairman of the aforesaid Sub-Committee;

Provided that the Chairman of the Market Committee shall not be a member of the Disputes Sub-Committee:

- (b) the Sub-Committee shall arrange for the settlement of disputes between purchasers and sellers or their agents, including disputes regarding mode of sale, rate, payment, quality or weight of the article, trade charges and allowances for wrappings, containers, dirt or impurities of deductions from any cause;
- (c) The Disputes Sub-Committee shall, for each market yard, appoint a panel of not less than six persons but not more than eleven persons to act as arbitrators in the settlement of the aforesaid disputes. Every person included in the panel shall be either producer living in the notified market area, or a dealer doing business in the market yard for which that panel has been appointed;
- (d) where any dispute referred to under clause (b) arises, it shall be reported to the Secretary who shall try to settle such disputes;
- (e) if the Secretary fails to settle a dispute such dispute shall be settled in the following manner on payment of the arbitration fee, prescribed :—
 - (i) each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the Disputes Sub-Committee under clause (c), and the dispute shall be referred by the Secretary to the arbitrators so selected for its settlement;
 - (ii) if the arbitrators fail to agree, they appoint an umpire who shall also be chosen from the panel aforesaid, to settle the dispute;
 - (iii) an appeal shall lie against the decision of the arbitrators or the umpire, as the case may be, to the Disputes Sub-Committee;
 - (iv) the dispute shall, as far as possible, be decided on the spot and on the same day and if this is not possible, the appeal shall be filed within a period of fifteen days from the date of the award;
- (f) no business shall be transacted at a meeting of the Disputes Sub-Committee unless there be present at least two members including the Chairman of the Sub-Committee.
- (g) all questions which may come up before the Disputes Sub-Committee at any meeting shall be decided by the vote of majority of the members present at the meeting and in every case of equality of votes, the Chairman shall have a second or casting vote;
- (h) the decision of the arbitrators or umpire or, where an appeal has been made to the Disputes Sub-Committee, the decision of such Sub-Committee shall be final;
 - (i) the Market Committee shall maintain a full record of all the disputes which may come up before the Disputes Sub-Committee.

(2) *Development Sub-Committee.*—(a) The Market Committee may appoint a Development Sub-Committee consisting of:—

- (i) one representative of producers on the Market Committee who shall also be the Chairman of the Sub-Committee;
- (ii) one of the representatives of the traders on the Market Committee; and
- (iii) one person from out of the remaining members of the Market Committee;

Provided that the Chairman of the Market Committee shall not be a member of the Development Sub-Committee.

(b) The Sub-Committee shall arrange for:—

- (i) the construction, maintenance and repairs of the buildings, roads, lanes and other structures in the market yards that may be entrusted to the Sub-Committee after the sanction of the work by the Committee;
 - (ii) provision of amenities and facilities in the market yards;
 - (iii) improvement and development of agricultural marketing in the market area demarcated by the Market Committee for the purpose.
- (c) Every meeting of the Sub-Committee shall be presided over by the Chairman of the Sub-Committee and in his absence by a member elected by the Sub-Committee for the occasion.
- (d) The Chairman of the Market Committee may appoint any member of the Development Sub-Committee to supervise any work of construction, repairs improvement or development in the market yard or the market area demarcated under sub-clause (iii) of clause (b) of sub-rule (2), and (e). The completion report of the work entrusted under clause (b) and clause (d) of sub-rule (2) shall be submitted to the Market Committee within ten days of its completion.

(3) The Market Committee may appoint any other Sub-Committee consisting of two or more of its members for performing such duties and discharging such functions as the Market Committee may deem necessary:

Provided that the Chairman of the Market Committee shall not be a member of such Sub-Committee but the Secretary of the Market Committee shall also be a Secretary of any such Sub-Committee.

54. Fees for Arbitration.—(1) The fees for arbitration, not provided hitherto, regarding the disputes between the licensees *inter-se* or between them and persons entering into transaction of sale or purchase of specified agricultural produce shall be:—

- (i) two per centum of the amount involved but not exceeding rupees ten if the arbitration relates to price, weightment or payment in respect of a consignment of any specified produce; and
- (ii) rupees five if the arbitration relates to any matter other than those specified in clause (i).

(2) The fees specified in sub-rule (1) shall be paid to the Market Committee through Crossed Postal Order or in cash in the name of the Secretary of the Committee by the person wishing to submit a dispute for arbitration under clause (e) of sub-rule (1) of rule 53.

55. Preservation of records to be maintained by a Committee.—(1) The Market Committee shall maintain the following records, which shall be preserved for the period noted against each:—

Serial No.	Particulars of records to be maintained	Period for which it shall be preserved
1	2	3
1.	Budget	5 years
2.	General Cash Book	Permanently
3.	Establishment Bill	35 years
4.	General Bills	3 years
5.	Balance Sheet	10 years
6.	Ledger	10 years

1	2	3
7.	Register of Deposits	Permanently
8.	Application form for licences and loans	Permanently
9.	Other applications	3 years
10.	Returns of daily purchases and sales	1 year after the audit of the year
11.	Payee's receipts/vouchers	Permanently
12.	Register of sale and purchase of specified agricultural produce	10 years
13.	Register of licences	Permanently
14.	Provident Fund Register	Permanently
15.	Service Books of the employees	10 years after retirement or death of the incumbent as the case may be
16.	Register of proceedings of the Committee or Sub-Committee	Permanently
17.	Register of Correspondence	Permanently
18.	Cheque Books	Permanently
19.	Travelling Allowance Bills	Three years after the audit of the year
20.	Pass Books	Permanently
21.	Lease Deeds	10 years after the date from which they cease to have effect
22.	Security bonds	-do-
23.	Treasury Challans	Five years
24.	Imprest Account Registers	Permanently
25.	Attendance Register	Three years
26.	Register of movable property	Permanently
27.	Library Register	Permanently
28.	Demand and Collection Register	10 years
29.	Register of Stamps	5 years
30.	Stock Register	Permanently
31.	Register of Court cases	5 years after the final decision of the case by the Government
32.	Investment Register	Permanently.
33.	Files about the appointment, punishment, removal and dismissal of employees	5 years after retirement or death of the incumbent as the case may be.
34.	Character roll of the employees	5 years after retirement or death of the incumbent as the case may be
35.	Register of loans and advances	Permanently
36.	Inspection Book	Permanently
37.	Office Order Book	Permanently
38.	Register of settlement of disputes	5 years after the settlement of the disputes
39.	Record-keepers Register	Permanently
40.	Cash receipt Book	Permanently
41.	Contingent Bills	3 years after the audit of the year

1	2	3
42.	Interest Account Register	.. Permanently.
43.	Register of Immovable Property	.. Permanently.
44.	Other records as may be considered necessary by the Committee	Such periods (not less than 10 years) as may be prescribed by the Committee.

Provided that no record of the Committee shall be destroyed until all audit objections pertaining to it have been finally and fully disposed of.

(2) The Market Committee shall also start the files and open new register under the directions of the Secretary and/or the Chairman, Himachal Pradesh Marketing Board, if considered necessary by them, in addition to the records scheduled in rule 52(1) for the period as may be specified regarding them.

(3) The Himachal Pradesh Marketing Board shall also maintain the records as annexed to sub-rule (1) for the period noted against each and may also open new registers, in addition to these, and maintain and preserve them as is considered necessary by it.

CHAPTER VII

OFFICERS AND SERVANTS OF THE COMMITTEE

Section 18
(1), 33
(i) and (ii).
of the Act

56. Secretary of the Market Committee.—(1) Persons who have experience of working in agricultural marketing at least for three years at their credit, and have completed the Training Course of Market Secretary organised by the Directorate of Marketing and Inspection, Government of India, shall be eligible for deputation to hold office as Market Secretary of the Market Committee.

(2) The authority as to depute a Secretary of a Market Committee, on the recommendation of the Chairman and suggestion of the Secretary Himachal Pradesh Marketing Board, shall vest in the State Government.

(3) The deputation allowance of the Market Secretary shall be such as may be approved by the State Government and shall carry the other usual allowance as may be admissible to Government servant of the State in corresponding scale of pay or as may be approved by the State Government from time to time

(4) The Seniority of the incumbents in the cadre of the Market Secretary shall be reckoned from the date of the order of their first appointment as deputed; but in case the date of appointment of two or more incumbents as Secretary in the State is the same, their seniority shall be accountable in accordance with the order of their appointment in the parent department.

Section 18
(6).

(5) **Transfer.**—The services of the Secretary and any employee having his incumbency either in a Committee's office or the Board's office shall, on the recommendations of the Secretary of the Board be transferable from one Market Committee to another in any part of the State and from a Market Committee to the Board and vice-versa by the Chairman, Himachal Pradesh Marketing Board.

(6) The Secretary or any employee appointed under section 18(1) and (2) and 3(10) shall be entitled to travelling allowance as admissible to Government servants of the State in the corresponding scale of pay.

(7) The Secretary of every Committee shall be governed by such rules and regulations as are applicable to Government servants on foreign service as laid down in Fundamental and Supplementary Rules.

Section 18
(2).

57. (1) The qualifications, designations, grades, salaries and allowances of the posts of officers and servants of the Committee appointed under sub-section (2) of section 18 of the Act shall be approved by the Chairman, Himachal Pradesh Marketing Board.

(2) All appointments made by the Committee under provision of sub-section (2) of section 18 of the Act, shall be intimated within twenty days of the date of such appointment to the Chairman, Himachal Pradesh Marketing Board.

(3) The Market Committee shall, in respect of each of its officers and servants appointed under sub-section (2) of section 18 of the Act, maintain service records and character rolls in such forms as are prescribed for Government servants, and these records shall be kept in the custody of the Market Secretary:

Provided that the service and character rolls in respect of the Market Secretaries shall not be maintained by the Market Committee; but in stead, the service record and character rolls of the Secretary, Market Committee and those of the employees appointed under sub-section (10) of section 3 of the Act shall be maintained by the Board and kept in the custody of the Secretary, Himachal Pradesh Marketing Board.

58. Engineers and overseers or other technical persons appointed under sub-section (2) of section 18 of the Act shall—

- (1) if they are already in the service of the State, be placed on foreign service and shall be subject to Fundamental Rules;
- (2) if they are not already in the service of the State Government, be engaged on contract basis on such terms and conditions as may be determined by the Himachal Pradesh Marketing Board.

59. *Security.*—The Market Committee shall take such security as may be specified in the bye-laws from its officers and servants who are entrusted with the handling of cash or stores of the Committee:

Provided that it shall not be necessary to take security from the Market Secretary if the incumbent is a permanent Government servant, in case he is not privileged of permanent incumbency, the security may be taken from him within reasonable limits as may be specified in the bye-laws.

60. *Functions, powers and duties of the Secretary.*—(1) The Secretary shall be the executive officer of the Market Committee. All office establishment of the Committee shall be under his control and he shall be responsible to carry into effect the resolution of the Market Committee. All, orders to any member of the staff of the Committee shall pass through him.

(2) The Secretary shall work under the supervision of the Chairman of the Committee.

(3) The Secretary shall, on the orders or with the prior approval of the Chairman or on the orders of the Secretary or the Chairman of the Board, call meeting of the Market Committee and shall be entitled to attend all meetings of the Committee or a Sub-Committee or a Joint Committee, if any, or an *ad hoc* Committee and also to speak at, and otherwise take part in the meeting of all such Committees, except a meeting wherein anything pertaining to him or any of his relatives is to be considered and his presence is not required by the Chairman of the Committee.

Explanation.—Relative for the purpose of this sub-rule shall mean—

- (a) father, mother, daughter, brother, sister, wife and husband of the person concerned;
- (b) brother and sister, of the father of the person concerned; and
- (c) father, mother, son, daughter, brother and sister of the wife or husband of the person concerned:

Provided that under this rule, the Secretary shall not have the right to vote in the meetings of such committees.

(4) The Secretary shall advise the Committee and its Chairman in the light of the provisions of the Act, rules and bye-laws framed under the Act and directions of the Board or of the Chairman of the Board issued from time to time and previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee.

Section 11
and section
33 (2) (ii).

- (5) The Secretary shall conduct all routine correspondence and attend to other office work and all correspondence with the Secretary or the Chairman of the Board or officers subordinate to the Secretary or the Chairman shall be disposed of by him either direct or through the Chairman or with the previous approval of the Chairman as the case may be.
- (6) The Secretary shall be responsible for the proper execution of all orders issued by the Chairman or the Committee. He shall take or cause action to be taken against any of the officers and servants of the Committee in accordance with the directions given by the Committee or the Chairman or as specified in the bye-laws.
- (7) All officers and servants of the Committee shall be subject to his control. He shall also be responsible for directing their work in such manner as to ensure proper and efficient working of the Market Committee.
- (8) It shall be the duty of the Secretary, subject to the approval of the Committee, to supervise the work of the officers and servants of the Committee and to take necessary disciplinary action against any of them for their negligence, dereliction of duty, not showing adequate devotion of duty or committing acts of moral turpitude.
- (9) The Secretary shall be responsible, subject to the control of the Chairman, or in his absence of Vice-Chairman of the Market Committee, for maintaining proper account of money received and/or expended for or on behalf of the Committee.
- (10) The Secretary shall be responsible for maintaining complete record of all the disputes which come up for decisions before the Disputes Sub-Committee in such manner as may be specified in the bye-laws of the Sub-Committee. The Secretary shall maintain a record of the disputes settled by him in the form and manner as may be specified in the bye-laws of the Committee.
- (11) On receipt of complaint either written or oral regarding any matter in respect of sale and purchase of specified agricultural produce or any complaint worth serious notice in the market is received by reported to the Secretary, he shall conduct an enquiry and shall, if his competency permits, affect a decision himself, otherwise report the same to the Chairman for taking such action as he may think necessary in accordance with the provisions of the Act, these rules and the bye-laws.
- (12) Subject to the provisions of the Act and these rules, the Secretary shall have immediate and categorical responsibility for carrying on the day-to-day working of the office of the Committee, maintenance of accounts, punctual rendering of returns, monthly review of the progress made in the enforcement of the Act and safe custody of the cash, the common seal, the minute book and other records and assets of the Committee.
- (13) The Secretary shall advise the Committee and its Chairman in all matters, relating to the administration of the Committee and to carrying out of the objective of the Act, rules and bye-laws made thereunder. His advice shall form part of the record.
- (14) The Secretary shall be competent to grant casual leave to the officers and servants of the Committee and as regards other kinds of leave, he shall forward the same with his remarks/recommendations to the Chairman who shall take requisite action thereon in compliance with the leave rules applicable to officers and servants of the Committee.
- (15) The Secretary shall make an annual assessment of the work and worth of the employees of the Committee and submit his confidential remarks to the Chairman of the Committee by 10th of April of each ensuing financial year. The Chairman of the Committee shall take these remarks into consideration while making final assessment of the work and worth of the employees.
- (16) The Secretary shall indicate his recommendations regarding the annual increment in pay/salary of the employees of the Committee within twenty days from

the date any such increment falls due.

61. Functions, duties and powers of other officers and servants of the Committee.— Every officer and servant of the Committee appointed under sub-section (2) of section 18 of the Act shall perform such functions, discharge such duties and exercise such powers as may from time to time, be determined by the Chairman/Secretary of the Market Committee. He shall also perform all such duties specifically assigned by the Chairman/Secretary of the Himachal Pradesh Marketing Board. Section 33 (2) (ii).

62. Entry and probe into the premises and vehicles.—(1) The Secretary or any other officer authorised by him shall make an inventory of the goods or articles kept or caused to be kept by the dealers, commission agents or brokers, godown-keepers, weighmen, measurers, surveyors or any other person handling or dealing in specified agricultural produce and submit the said inventory to the said Committee for such action as may be deemed necessary by it. Section 42 of the Act.

CHAPTER VIII

TRANSACTION OF BUSINESS, LEVY AND COLLECTION OF FEES ETC.

63. Licence to brokers, weighmen, measurers, surveyors, godown-keepers, palledars and other functionaries.—(1) A person desirous of obtaining a licence under sub-section (2) of section 11 shall make an application in Form 'D' to the Secretary of the Committee of the notified market area concerned after depositing with the Committee the requisite licence fee. Section 11 (2) and 33 (2) (viii) of the Act.

(2) On receipt of an application the Secretary of the Committee or any other officer duly authorised by the Committee in this behalf may, after making such an enquiry regarding the conduct and business of the applicant, as he may think necessary, grant a licence in Form 'E'. The licence shall be subject to the compliance of the conditions mentioned therein or otherwise specified From time to time.

(3) The Committee shall maintain a record of licences issued under sub-section (2) of section 11 in form 'C'.

(4) The licence fee for licences issued under this rule shall be as follows:—

Category of licence	Licence-fee	
	per annum	
	Rs.	
Weighman or measurer or surveyor	..	5.00
Broker	..	15.000
Godown-keeper	..	30.000
Palledar	..	3.00

(5) The Secretary may, on being satisfied that there has been a breach of any of the conditions specified in a licence, by an order in writing, cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding six months for the first breach and not exceeding nine months for the second breach and not exceeding one year for every subsequent breach, as may be specified in the order;

Provided that no such order shall be made without giving the licensee an opportunity to show cause why such an order should not be made.

64. Change in style and membership of firm.—(1) Where the licensee (holding a licence under section 11), is a firm, any change occurring in the membership of such firm otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licence:

Provided that in the case of a Hindu-joint-family firm any addition on account of the birth of any member shall not be treated as bringing about any change in the membership of the firm.

(2) Where a change, not necessitating a fresh licence under section 11, takes place in the membership of a firm, or the firm changes its name without any change in the membership; an intimation thereof shall, within two weeks from the date of such change, be given to the Secretary concerned, who if satisfied, after such an enquiry as he may consider necessary, about the correctness of such intimation, shall affect necessary corrections in the licence. The register in form 'C' shall also be corrected accordingly.

(3) If in a case covered by sub-rule (2), the firm fails to give necessary intimation to the Secretary within the specified time, the change in the membership or the name of the firm, as the case may be, shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licence.

Section 33
(2) (viii) of
the Act.

65. Renewal of licence and issue of duplicate thereof.—(1) A licence granted under section 11 of the Act shall be valid for the period for which it is issued and shall, subject to any order passed under rule 63(5) be renewable by the Secretary granting it, on payment of annual fee prescribed for the issue of such licence. Renewal application shall be made in Form 'G'.

(2) If any area is excluded from any notified area and included in another, the licences (issued under section 11 for the area so excluded) shall be deemed to have been issued by the Secretary of the committee of the notified market area in which the area is included and shall be renewable by the Secretary of the Committee of that area.

(3) An application for the renewal of licence shall be made at least 30 days before the date on which the licence is due to expire:

Provided that the authority competent to renew a licence may, on the applicant's paying a penalty of forty rupees in the case of licence for a godown-keeper or a penalty equal to the amount of annual licence fee in the case of other licence, grant an application for renewal made within thirty days after the date of expiry of the licence. The authority competent to renew a licence may remit the penalty in whole or in part if it is satisfied that the delay was for the reason beyond the control of the applicant.

(4) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence expired.

(5) Except as provided in sub-rule (3), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for the grant of a fresh licence.

(6) If a licence granted under section 11 of the Act, or renewed under sub-rule (1) above is lost, a duplicate may be issued by the authority which issued the original, payment by the licensee of a fee of Rs. two.

(7) The fee payable for the renewal of a licence for its duplicate shall be deposited into the marked committee fund concerned.

66. Prohibition against grant of certain licences.—(1) Except as hereinafter provided, no person shall at the same time, hold more than one licence (under section 11) to act as a functionary in more than one capacity.

(2) Nothing in sub-rule (1) shall be deemed to prohibit a person licenced as weighman, surveyor or measure to act in all the three after said capacities.

67. *Employing a broker.*—(1) No person shall be bound to employ a broker in any transaction, or be required to pay for a broker employed by any other party to the transaction, or to pay for a broker when none has been employed.

Section 33
(2) (xi) and
(xiii).

(2) Where any person enters into any transaction for the purchase or sale of any agricultural produce through a commission agent, and the commission agent, without a written authority from his principal, employs a broker in connection with such transaction, the broker's commission shall be payable by, and may be paid out of the remuneration due to such commission agent.

(3) The same person shall not act as a broker both for the buyer and the seller or an agricultural produce in the same transaction.

68. *Sale of agricultural produce.*—(1) All agricultural produce brought into the market for sale shall be sold by open auction/negotiation in the principal or sub-market yard. The agreement will be executed in Form 'R'.

(2) Nothing in sub-rule (1) shall apply to a retail sale as prescribed in rule 10.

(3) The Committee shall fix timings for the start and closing of the auction in respect of each specified agricultural produce.

(4) The price of agricultural produce shall not be settled by secret signs or secret bids or secret negotiations and no deduction shall be made from the agreed price of the consignment.

(5) The auction shall not be conducted by any person other than the person engaged by the Committee:

Provided that under special circumstances, the Committee may make or permit any alternative arrangement.

(6) The highest bid offered by a buyer at an auction, and at which the seller of the produce gives his consent to sell his produce shall be the sale price of the produce, and the buyer shall be deemed to have purchased the produce at that price.

(7) The buyer shall be considered to have thoroughly inspected the agricultural produce for which he has made a bid and he shall have no right to retract from it.

(8) As soon as an auction for a consignment is over, the auctioneer shall fill in the relevant particulars in a book to be maintained by him in Form 'H' and shall secure the signatures of both the buyer and the seller or their respective representatives, whoever may be present at the spot.

(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction on the same day the produce is purchased by him and the seller shall not be liable for any damage to, or loss of, or deterioration in, the produce after auction.

(10) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer for himself or on behalf of another person in respect of such produce:

Provided that a Co-operative Marketing Society shall be exempt from the provision of this sub-rule.

(11) The kacha arhtiya/commission agent shall make payment to the seller immediately after the weighment is over, after deducting the market fee specified in the bye-laws of the Committee.

(12) Every kacha arhtiya/commission agent shall, on delivery of agricultural produce

to a buyer, execute a memorandum in Form 'I' and deliver the same to the buyer on the same day or the following day, mentioning sale-proceeds plus market charges admissible under rules and bye-laws, and shall retain a counter foil thereof with himself.

(13) In the absence of written agreement to the contrary the sale price of agricultural produce purchased under these rules shall be paid promptly by the buyer to the kacha arhtiya/commission agent on delivery of Form 'I'.

(14) The delivery of agricultural produce after the sale shall not be made or taken unless the kacha arhtiya/commission agent if or, the seller does not employ a kacha arhtiya/commission agent, the buyer has given to the seller a sale voucher in Form 'J', the counterfoil whereof shall be retained by the kacha arhtiya/commission agent or the buyer as the case may be, and a copy thereof shall be sent to the Committee.

(15) No deduction shall be made from the agreed price of the consignment, except on account of deviation from the standard where purchase is made by sample or on account of deviation from the standard where purchase is made by reference to a known standard or on account of difference between the actual and the standard weight or measures:

Provided that if any dispute regarding the provisions of this rule arises, the Secretary of the Committee shall decide the issue at the spot and his decision shall be final and obligatory.

Section 33
(2) (v) of
the Act.

69. Agreement to be executed between buyer and seller.—(1) Every buyer of agricultural produce shall sign an agreement in triplicate in favour of the seller as soon as any transaction is effected, in Form 'R'. One Copy of the agreement shall be kept by the buyer, one copy shall be supplied to the seller or his agent and the third copy shall be sent by the buyer to the Market Committee for record.

(2) Nothing in sub-rule (1) shall apply to a person who purchases any specified agricultural produce for his domestic consumption:

Provided that the purchases by such buyer shall be subject to such conditions as may be specified in the bye-laws of the Committee.

Section 33
(2) (ix) of
the Act.

70. Weighment.—(1) The standard of net weight of agricultural produce to be filled in a packing unit such as bag, a half bag or a palli within the notified area shall be determined by the Market Committee in consultation with the Secretary of the Himachal Pradesh Marketing Board, who shall endeavour to maintain uniformity regarding such standards in all market Committees.

(2) No person shall fill or cause to be filled any agricultural produce except in accordance with the standards fixed under sub-rule (1).

(3) All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with the standards fixed under sub-rule (1).

(4) Immediately on the completion of weighment of a lot of agricultural produce within a notified market area, either party of the contract may cause a test weighment of ten per cent of the units of packing in a lot or two packing units whichever is more. The test weighment shall be carried out at the site of weighment and if no test weighment is held at the site, the produce shall be deemed to have been correctly weighed.

(5) Test weighment under sub-rule (4) shall be carried out in the presence of both the parties to the contract. In case any of the parties refuses or otherwise evades presence, the other party may report in writing not lower in rank to that of an Inspector, who, after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence or in the presence of any other official of the Committee authorised by him in this behalf, and the result of such test weighment shall be final, conclu-

sive and binding on both the parties.

(6) Before any agricultural produce weighed in pursuance of a contract of sale or purchase within notified market area is removed from the place of its weighment, the Chairman/the Secretary of the Committee or any employee of the Board not lower in rank to that of an Inspector shall, with a view to satisfying himself that such weighment has been correctly made or is filled in accordance with the standards fixed under sub-rule (1), be entitled at any time and without any previous notice, to check the weighment by means of weights and instruments kept by the Committee or any other agency in the presence of the purchaser and the seller and if either or both of them evade presence, test weighment may be carried out in the presence of any two persons present there.

(7) If the weighment checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be reweighed. The reweighment shall be made at the cost of the buyer, if it is not filled in accordance with the standards fixed under sub-rule (1), and at the cost of the weighman concerned, if the weighment is otherwise defective. Such orders shall be final and the buyer or the weighman, as the case may be, shall immediately comply with the order. This sub-rule shall operate without prejudice to any other punishment that may be awarded under the Act, these rules or the bye-laws made thereunder.

71. *Use of weighing equipment, weights and measures, their inspection and seizure.*—

Section 33
(2) (ix) and
(x) of Act.

(1) Only such weighing instruments as satisfy the requirements of and such weights and measures as are prescribed by the Himachal Pradesh Weights and Measures Act, 1968 or any law or the subject for the time being in force and the rules made thereunder, shall be used for weighing or measuring agricultural produce in a notified market area:

Provided that in transaction of sale and purchase of agricultural produce in the principal market yard and sub-market yards of the notified market area the beam scale (Kanda) or platform scale shall only be used.

(2) Every Committee shall keep in the market yard at least one weighing instrument of the capacity of one quintal and two sets of weights, and in places where measures are used two sets of measures, verified and stamped in accordance with the provisions of the Himachal Pradesh Weights and Measures Act, 1968 or any other law for the time being in force, and the rules framed thereunder. The Committee shall cause such weights and measures to be tested and verified once in the course of each calendar/financial year through the agency appointed and in accordance with the requirements of the said Act and rules.

(3) The Chairman or the Secretary of a Committee shall allow any person to check free of charge any weights or measures in his possession against the weights and measures maintained under this rule.

(4) Weighing instruments, weights and measures kept by a Committee under this rule may at any time be inspected, examined and checked by the Chairman or the Secretary of the Board or by any other employee not lower in rank than that of an Inspector authorised in this behalf by the Chairman of the Board or the Secretary of the Board. After inspection, the inspecting authority may give such directions as it may deem proper. The Committee shall be bound to comply with such directions.

(5) The Chairman or the Secretary of the Board or of the Committee, and any other person authorized in this behalf by the Chairman or the Secretary of the Board shall be entitled at any time and without previous notice to inspect, examine and test any weighing instrument, weights or measures used, kept or possessed within a notified area by a licensee under section 8 or 11 of the Act, and every such licensee in possession of any such weighing instrument, weights or measures, shall, when required, be bound

to produce the same before the person entitled to inspect, examine and test them.

(6) Any person authorised to inspect, examine and test any weighing or measuring instrument, weights or measures under sub-rule (5) shall, while so acting, have all the powers of an Inspector, Weights and Measures, appointed under the Himachal Pradesh Weights and Measures Act, 1968 or any other law on the subject for the time being in force.

72. Weigh-bridges, measuring yards and certificates of weighment or measurement.—(1) The Committee may erect or shall erect if so required by the Chairman or the Secretary of the Board weighing bridge for the weighing of agricultural produce on payment of such fees as may be specified in the bye-laws of the Committee; and in the case of weighment on a weighing bridge, a weighment slip under the signature of an employee of the Market Committee who may be authorised by the Chairman or the Secretary of the Committee for this purpose, shall be issued to the buyer or seller as the case may be.

(2) In places where it is customary for any agricultural produce to be measured instead of being weighed, the Committee may specify a place within the market for that purpose and make arrangements for the measuring of such produce on payment of such fees as may be specified in the bye-laws of the Committee.

(3) The Committee shall be responsible for maintaining such weigh-bridge or measuring yard in proper condition and for issuing free of cost certificates of weighment and measurement, as the case may be, in such form as may be specified in its bye-laws.

(4) A certificate issued under sub-rule (3) above shall be accepted as final by all persons transacting business in the notified market area unless it is proved to the satisfaction of the Chairman of the Committee or the authorized representative that the weighment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect-scale or weight or measure.

Section 33
(2) (ix) of
the Act.

73. Places at, or manner in which agricultural produce shall be weighed or measured.—(1) Weighment or measurement of specified agricultural produce brought and sold in the market yard shall be done in such manner and at such place or places as may be provided for in the bye-laws of the Committee in this behalf.

(2) All weighing or measuring of any specified agricultural produce brought in a principal or sub-market yard for sale, or purchase shall be done only by licensed weighmen or measurer.

(3) Subject to the provisions of the Act and these rules, all weighing of the specified agricultural produce in the market yards shall be done by means of beam balance and metric weights.

(4) **Counter-balancing in weighment.**—If any rope or gunny bag or any other packing material or container is used in the bundles in the pan on the goods side of the scale, a weight equivalent to the weight of the rope or of the gunny bag(s) or of the packing materials or container so used shall be added to the pan on the weight side of the scale.

74. Commission agent to provide equipment for weighing/measuring.—(1) The commission agent holding licence under these rules shall provide or arrange to provide all such weights and measures and measuring instruments at the time of delivery of the specified agricultural produce sold in a principal market yard or sub-market yard

as may be specified in the bye-laws of the Committee:

Provided that where no commission agent is engaged by the seller, the weights and measures or weighing and measuring instruments shall be provided or arranged to be provided by the buyer.

(2) Without prejudice to the provisions of the Himachal Pradesh Weights and Measures Act, 1968 or any other law on the subject for the time being in force, any dealer, commission agent, or broker, or weighman or measurer holding licence under these rules, who uses weights and measures or weighing and measuring instruments other than those, as specified in the bye-laws, shall be liable to cancellation of his licence.

75. *Unit of price quotation to be used in the market yard.*—The unit of price quotation in every market yard shall be in terms of such weights and measures as may be specified in the bye-laws of the Committee.

76. *Unit of weightment or measurement.*—The unit of weightment or measurement shall be such as may be specified in the bye-laws of the Committee.

77. *Prohibition of brokers from acting on behalf of both the buyer and the seller.*—
(1) No broker holding licence under these rules shall act on behalf of both the buyers and sellers in any transaction of specified agricultural produce.

(2) Without prejudice to the provisions of the Act and the rules made thereunder, in this behalf, any broker who commits a breach of the provisions of sub-rule (1) shall be liable to cancellation of his licence.

78. *Keeping of rates list by the dealers and commission agents.*—Every dealer and commission agent holding licence under these rules shall maintain and display prominently at his shop or place of business daily lists of prices of different types and grades of the specified agricultural produce transacted by him in the market yard.

79. *Trade charges.*—(1) No trade charges shall be realised or charged by a dealer, commission agent, broker, buyer, a weighman, measurer, a palledar and/or any other functionary holding licence under these rules and the bye-laws, exceeding the limits as may be specified in the bye-laws.

Section 26/
section
33 (2) of the
Act.

(2) As from the date to be notified by the Himachal Pradesh Marketing Board in the Gazettee, which shall, in no case, be prior to the expiry of 30 days from the date of construction of a Committee under section 10 of the Act and the rules made thereunder in this regard, no person shall, in any principal market yard or sub-market yard, levy, charges or realise any trade charges other than those prescribed by rule or bye-laws made thereunder, in respect of any transaction of sale or purchase of the specified agricultural produce and no Court shall, in any suit or proceedings arising out of any such transaction, allow any claim or counter-claim regarding any trade charges not so prescribed.

80. *Levy and collection of fees on the sale and purchase of agricultural produce.*—
(1) Under section 21 of the Act, a Committee shall levy fees on the agricultural produce bought or sold by licensees in the notified market area at the rates specified in the bye-laws or as fixed by the Board from time to time:

Section 21
and 3 (vii)
of the Act.

Provided that no such fees shall be levied on the same agricultural produce more than once in the same notified area; in case of any dispute as to payment of market

fees in this regard, a declaration and certificate evidential to its payment shall have to be submitted to the Market Committee in the manner specified in the bye-laws or if not so specified, as determined by the Committee itself under the approval of the Himachal Pradesh Marketing Board.

(2) The responsibility of paying the fees prescribed under sub-rule (1) shall be of the buyer and if he is not a licensee then of the seller who may realise the same from the buyer. Such fees shall be leviable as soon as an agricultural produce is brought or sold by a licensee.

(3) The fees shall be paid to the Market Committee or a paid officer duly authorised by the Committee to receive such payments on the day of the transactions or on the following day.

(4) A receipt in Form 'K' shall be granted forthwith to the persons making payment in respect of any fees paid under these rules.

(5) Every officer or servant employed by a Committee for the collection of fees shall be supplied by the Committee with a badge of office in the form as may be determined by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

(6) Every such officer or servant shall, before entering on his duties, furnish such security as may be specified in the bye-laws of the Committee concerned also may be read with rule 59.

(7) For the purpose of this rule, agricultural produce shall be deemed to have been bought or sold in a notified market area:—

- (i) if the agreement of sale or purchase thereof is entered into the said area or
- (ii) if in pursuance of the agreement of sale or purchase, the agricultural produce is weighed in the said area; and
- (iii) if in pursuance of the agreement of sale or purchase, the agricultural produce is delivered in the said area to the purchaser or to some other person on behalf of the purchaser.

(8) If in the case of any transaction, any two or more of the acts mentioned in sub-rule (7) have been performed within the boundaries of two or more notified market areas, the market fee shall be payable to the Committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or, if no such weighing has taken place, to the Committee within whose jurisdiction the agricultural produce is delivered.

(9) Every person employed or authorised by the Market Committee to collect fee shall be provided with a counter-foil receipt book, as may be specified in the bye-laws or determined by the Committee and a money box. He shall render accounts of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee; who shall check the receipts and compare the balance of money received and also give a certificate to this effect over his dated signature on the back of the last counter-foil which shall again have to be got countersigned either by the Secretary or the Chairman of the Market Committee or any member or person authorised by the Chairman in this regard.

81. Exemption from payment of fees.—(1) If a fee has once been levied on the sale or purchase of any quantity of agricultural produce in a notified market area and the dealer concerned complies with the provisions of sub-rule (2) of this rule, then no

fee shall be leviable on the sale or purchase within the same notified market area of any agricultural produce manufactured or extracted from the agricultural produce in respect of which the fee has already been paid.

(2) The dealer concerned in the sale or purchase of any quantity of agricultural produce from which he manufactures or extracts any other agricultural produce shall maintain in Form 'L' true and correct accounts of the sale or purchase, as the case may be, of the said agricultural produce manufactured or extracted from it.

(3) No market fee shall be leviable on purchase of raw hides and skins and sale of cured, tanned and processed hides and skins from the persons who themselves are tanner and are residing in the State.

82. Account of transaction and of fees to be maintained.—(1) Every licensed dealer and every dealer exempted under rule 10 from obtaining a licence shall submit to the Committee a return in Form 'M' showing his purchase and sale of each transaction of agricultural produce on each day or on the day on which the transaction takes place or on the following day:

Provided that a person exempt from taking a licence under rules 10 (2) (ii) and 10 (2) (iii) shall be exempt from provisions of this sub-rule in respect of sale of agricultural produce.

(2) The Committee shall maintain a register in Form 'N' showing the total purchase and sale made by dealers and the fees recoverable and recovered from them.

(3) The Committee shall levy the fee payable under section 21 on the basis of the return furnished under sub-rule (1).

(4) If any dealer fails to submit a return as prescribed in sub-rule (1), or the Committee a return as prescribed in sub-rule (1), or the Committee has reason to believe any such return is incorrect, it shall, after giving a notice in form 'P' to the dealer concerned and after such enquiry as it may consider necessary, proceed to assess the amount of the dealer's business during the period, in question.

(5) If a dealer habitually makes default in the submission of returns, or if in the opinion of the Committee, the dealer habitually submits false returns, the Committee may order the inspection of the dealer's accounts.

(6) After an order under sub-rule (4) is made, the Committee shall inform the dealer of the date and place fixed for the inspection:

Provided that if the dealer so desires, and pays such fee as the Committee may fix in this behalf, the inspection shall be made at the dealer's premises.

(7) The Committee may authorise one or more of its members to carry out the inspection ordered by it under sub-rule (5). Such member or members shall be assisted by such employees of the Committee as may be deputed by it for that purpose.

(8) Such member or members may, after inspection, prepare a return, or may amend the return already furnished, on the basis of transactions, appearing in the dealer's account books, and the Committee may levy a fee or as the case may be additional fee, under section 21 on the basis of such return or amended return, but if the accounts books are reported to be unreliable, or

as not providing sufficient material for proper preparation, or amendment of the return, or if no such books are maintained, or produced, the Committee may assess the amount of the dealer's business on such information as may be available, or on the basis of best judgment, and levy fee on the basis of such assessment.

(9) In addition to the fee or additional fee levied under sub-rule (8), the Committee may recover from the defaulter penalty equal to the fee or additional fee so levied.

(10) Habitual default in the submission of returns and habitual submission of false return shall be a sufficient ground for suspension, or cancellation of, or refusal to renew, a licence, and the provisions of this rule shall apply in addition to and not in derogation of any other law, panel or otherwise, applicable to non-compliance, or defective compliance with any duty imposed upon a dealer by the Act or by these rules, or any bye-laws or order of a Committee.

(11) An assessment order made under sub-rules (8) and (9) shall be communicated to him by means of a demand notice in Form 'Q' and a copy thereof shall be granted to a dealer on his making a written application and paying a sum of three rupees as copying fee to the Committee. Every Committee shall maintain a register of copying fees.

(12) The copy shall be prepared in the office of the Committee and certified to be correct by the Secretary, or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the dates on which the application was received and the copy prepared and delivered to the applicant, shall be conclusive evidence of the correctness of these dates.

(13) (i) An appeal against an assessment order made under sub-rules (8) and (9) shall lie to the Chairman of the Board. No such appeal shall be entertained unless the applicant has deposited the amount of fee assessed as due from him in full with the Committee concerned.

(ii) The Chairman of the Board, after hearing the appellant and also the Committee making the assessment, or, if he deems necessary, after such enquiry as he may think proper, may accept, modify or reject the assessment order appealed against.

(iii) The Chairman of the Board may waive the whole or a part of the penalty imposed under sub-rule (9), in a case where such penalty would, in his judgment mean undue hardship to the appellant.

(iv) The order passed by the Chairman of the Board shall be final and conclusive.

Section 33
(2)(xxix) of
the Act.

83. Books to be kept by licensed brokers and godown-keepers.—Every broker and every godown-keeper licensed under these rules shall—

- (i) keep such books in such form as the Secretary of the Committee granting the licence may, from time to time specify, or, in such form as specified in the bye-laws of the Committee;
- (ii) render such returns at such times and in such form as the Committee may prescribe; and
- (iii) render such assistance as may be required by the Committee, in the collection of the fees due under the Act or under the rules or bye-laws made thereunder, in preventing evasions of payment thereof, and generally in the prevention of breaches of the Act or of these rules or of any bye-laws made thereunder.

84. Preservation of the prescribed forms and production thereof and inspection of the account books.—(1) The counter-foils of Forms 'I' and 'M' shall be preserved by the dealer concerned for a period of three years from the date of issue of the foil to which the counter-foils relate. The register in Form 'L' shall be preserved by the dealer concerned for a period of three years of the date on which the last entry was made in that register.

(2) No form shall be considered to be valid unless the same was obtained from the Committee concerned.

(3) Every licence and dealer exempt under rule 10 from taking a licence working within the notified market area shall, on demand by the Secretary or the Chairman of the Committee or any officer of the Board authorised by the Secretary or the Chairman of the Board in this behalf, produce all or any of the forms preserved under sub-rule (1) above or the account books maintained in respect of the sale, purchase, storage, or processing or transportation of agricultural produce by him for inspection and examination at such time and at such place as he may be required and shall, if required by any of the inspecting officer, hand over any or all of the said forms, or books against a receipt.

CHAPTER IX

MARKET COMMITTEE FUND, EXPENDITURE AND ACCOUNTS

85. Market Committee Fund.—(1) Except where the Himachal Pradesh Marketing Board, on application by a Market Committee or otherwise may direct, all moneys paid into the Market Committee fund shall be credited at least thrice a week, if not daily, in full into a Government treasury, or sub-treasury or a bank duly approved by the Himachal Pradesh Marketing Board and shall not be drawn upon except in accordance with these rules.

Sections 2
and 33 (2)
of the Act

(2) All remittances under these rules to a treasury, sub-treasury or a bank, as approved in sub-rule (1), shall be made and acknowledged in accordance with the rules of business of the treasury, sub-treasury or the bank as the case may be.

(3) At the close of each month or at such shorter intervals as may be the practice, the treasury, sub-treasury or the bank as the case may be, shall in accordance with its rules or business, strike a balance of account to it. The Market Committee shall compare such balance and statement of accounts with its own books.

(4) All remittances to the Government treasury or the bank shall be accompanied by challans or deposit slips in duplicate.

(5) The monthly or periodical statements of accounts furnished by the treasury or the bank shall be regularly maintained and made available for audit.

86. The Pass Books.—The pass books in respect of the accounts maintained by the Committee with the bank or post office shall be brought up-to-date at least once a month.

87. Permanent advance.—(1) The Secretary, Market Committee shall keep a permanent advance of such amount not exceeding rupees five hundred as may be sanctioned by the Market Committee by a resolution, duly passed, in this behalf, for meeting day-to-day contingent expenditure.

(2) The expenditure incurred from the permanent advance shall be recouped

from the Market Committee fund within such period as may be specified in the bye-laws of the Committee.

88. Expenditure.—(1) The Chairman of the Market Committee shall be the chief controlling authority in respect of the Market Committee fund. The Committee may, however, authorise the Secretary to sanction expenditure from permanent advance upto such limit as may be determined by the Committee.

(2) All payments except from permanent advance on account of salary and allowances of the employees of the Committee and the allowances of the members of the Committee shall be made through cheque drawn on behalf of the Committee.

(3) No cheque on behalf of the Committee shall be drawn except on a bill which has been examined and passed by the Chairman, or on the issue or recoupment of permanent advance, if any, and the Chairman shall not pass any bill for payment without the previous sanction of the Committee, except:—

- (i) for payment of salary and allowances of officers and servants of the Committee;
- (ii) for payment of works and repairs which have been duly sanctioned by the Committee;
- (iii) for meeting urgent expenditure for which there is budget provision and which does not exceed rupees five hundred, as read with sub-rule (5) of the rule 88:

Provided that in the absence of the Chairman, the Vice-Chairman may pass and sign the bills for payment:

Provided further that the Secretary, Market Committee, may pass and sign bills for payment upto the extent authorised by the Committee under sub-rule (1).

(4) Cheques of the value upto Rs. 1,000.00 drawn on behalf of the Market Committee shall be signed by the Secretary and all other cheques exceeding Rs. 1,000.00 drawn on behalf of the Market Committee shall be signed by the Secretary and countersigned by the Chairman or in his absence by the Vice-Chairman.

(5) No expenditure shall be incurred for which there is no budget provision, unless it can be met by re-appropriation from savings under other heads or by a supplementary grant from the available reserve which has been duly sanctioned by the Committee and for which the approval of the Chairman, Himachal Pradesh Marketing Board has been obtained.

(6) Every expenditure shall be supported by a voucher duly signed by the payee.

(7) The general cash book shall be maintained under the supervision of the Secretary, Market Committee.

89. Monthly accounts.—At the close of each month, the account of receipts and payments during the month shall be got prepared by the Secretary in such form as may be specified in the bye-laws of the Committee and shall be placed before the Committee at its ensuing meeting.

90. Preparation and submission of annual budget.—(1) The agricultural produce market year, hereinafter called also the financial year, shall commence on 1st April and close on the 31st March of every year.

(2) A Market Committee shall annually hold a special meeting not later than 15th February each year to prepare and adopt the budget of income and expenditure, in such form as may be specified in the bye-laws of the Committee, for the ensuing financial year.

(3) The budget as approved by the Committee for the ensuing financial year shall be submitted to the Chairman, Himachal Pradesh Marketing Board by the 20th of February, who shall have the power to return it for re-consideration on such lines as he may set out in his order or to sanction the same with such modification as he may consider appropriate.

(4) An abstract of the account of the receipts and expenditure of the preceding financial year shall be submitted to the Chairman, Himachal Pradesh Marketing Board, not later than the 20th May each year.

(5) Reports other than those under sub-rule (4) and all other returns shall be submitted to the Chairman, Himachal Pradesh Marketing Board, in the manner and by the date as may be specified in the bye-laws or required by him whenever deemed necessary.

91. Preparation and submission of plans and estimates for works.—(1) For works estimated to cost upto Rs. 2,000.00 the Chairman, Market Committee shall get plans and estimates prepared by the overseer appointed for the purpose under sub-section (2) of section 18 of the Act, and if not appointed, by any qualified overseer and shall submit the said plans and estimates to the Chairman of the Board who shall be competent to approve them.

(2) For plans and works estimated to cost more than Rs. 2,000, the Chairman, Market Committee, shall get plans and estimates prepared by the engineer appointed for the purpose, if not appointed, by any qualified engineer stationed nearby and shall submit the said plans and estimates to the Committee for its approval, and thereafter to the Chairman, Himachal Pradesh Marketing Board, who shall get the same approved and sanctioned by the Board, and return the same to the Committee after necessary action as soon as possible.

92. Investment and disposal of the surplus funds.—(1) The Market Committee may invest or deposit its surplus funds in the manner already prescribed for the Himachal Pradesh Marketing Board under rule 15, viz.—

Section 33
(2) (XXX).

- (i) in purchase or construction of buildings and acquisition or purchase of sites;
- (ii) in loans floated by the Government;
- (iii) in national savings certificates;
- (iv) with any scheduled bank carrying on the business of banking and approved for this purpose by the Chairman of the Board;
- (v) in loans to producers of the market area for agricultural improvement;
- (vi) in any of the security specified in section 20 of the Indian Trust Act, 1882;
- (vii) in loans to other Market Committee; and
- (viii) in any other manner concerning development of the market:

Provided that the terms and conditions of advancement and repayment of loans under items (v) and (vii) shall be such as may be specified in the bye-laws and if not provided in the bye-laws, as may be directed by the Chairman of the Board from time to time.

(2) Any amount invested under items (ii), (iii), (iv) and (vi), of sub-rule (1) including the interest thereon shall be withdrawn only after the approval of the Committee and the Chairman, Himachal Pradesh Marketing Board.

(3) An account of all investments and disposals of surplus funds of the Committee shall be maintained in a register of investment in such form as may be specified in the bye-laws of the Committee.

93. *Abstract of annual receipts and expenditure.*—At the close of each financial year, the Committee shall prepare an abstract of receipts and expenditure in such form as may either be specified in bye-laws or directed by the Secretary of the Himachal Pradesh Marketing Board, and submit the said abstract by the 30th day of April each year to the Chairman, Himachal Pradesh Marketing Board.

94. *Balance Sheet.*—At the close of each financial year, the Committee shall prepare a balance sheet incorporating therein annual receipts and expenditure and assets and liabilities of the Committee, and submit the same to the Chairman, Himachal Pradesh Marketing Board by the 30th day of June each year.

95. *Annual progress report.*—At the close of each financial year, the Committee shall prepare the annual progress report incorporating therein annual receipts and expenditure and the balance sheet in such form as may be specified in the bye-laws of the Committee and/or desired by the Secretary/Chairman of the Board and shall submit the same to the Chairman of the Board by 31st day of July each year. The Committee shall get the annual progress report published by the last day of September each year or as soon as it may be possible. The copies of the published annual progress report shall be supplied by the Committee to the office of the Board and other Market Committees in the State, free of cost; and for others, the copy may be supplied at a very nominal price fixed by the Committee.

Section 33
(2) of the
Act.

96. *Travelling allowances to Chairman and Vice-Chairman of the Market Committee.*—For journeys undertaken by the Chairman and Vice-Chairman of the Market Committee for attending its meetings or for any other work of the Committee in the public interest, except a Government servant and the members of the Legislative Assembly, shall be entitled to draw the same travelling and daily allowances as are admissible to a Government servant of the first grade in Himachal Pradesh.

If the Chairman/Vice-Chairman happens to be a member of the Himachal Pradesh Legislative Assembly the provisions of the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971 shall apply.

97. *Allowances to the members of the Committee.*—For journeys undertaken by any member of the Committee for attending its meeting or for any other work of the Committee in the public interest deputed by the Chairman or the Committee, except a Government servant and the members of the Legislative Assembly shall be entitled to draw the same travelling and daily allowances as are admissible to a Government servant of the first grade in Himachal Pradesh.

If a member happens to be a member of Himachal Pradesh Legislative Assembly, the provisions of the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971 shall apply.

Section 33
(2) (xxx).

98. *Allowances, gratuities and leave etc. to the servants of the Market Committee.*—The rules applicable to Himachal Pradesh Government servants, as amended from time to time, shall be applicable to employees of the Market Committees in the matter of all allowances, gratuities, leave, punishment and appeal etc:

Provided that no permanent employee of a Market Committee shall be suspended, reduced or dismissed except to the approval of the Chairman, Himachal Pradesh Marketing Board.

99. *Management and regulation of Provident Fund.*—The Market Committee shall start a provident fund for the benefit of its employees and every servant of the Committee after completion of one year's service, shall be required to subscribe $6\frac{1}{4}$ per cent of his pay. An equal amount shall be contributed by the Market Committee to the provident fund of their subscribers at the close of every month. Other rules pertaining to the general provident fund shall be the same as are applicable to the employees of the Himachal Pradesh Government.

Section 33
(2) (xvii).

100. *Accounts, audit and publications.*—(1) The accounts of the Market Committee shall be kept and maintained according to the financial year in such manner as may be specified in the bye-laws or as the Chairman/Secretary, Himachal Pradesh Marketing Board may direct in the matter.

Section 33
(2) (xvi).

(2) The Chairman and the Secretary or any other person authorised by the Committee in this behalf, shall, at the time of audit, cause to be produced all accounts, registers, documents, and other relevant papers which may be called for by the audit officer for the purpose of audit. Any explanation desired by the officer for the settlement of any discrepancy shall also be immediately furnished to him. The Secretary shall see that the cashier and/or other official concerned produce the cash balances on demand for verification by the audit officer.

(3) The accounts of the Committee shall be audited annually by the Local Fund Audit Department, Himachal Pradesh.

(4) The Treasury Officer/Bank shall, on demand by the auditors, intimate to them the balances at the credit of the Market Committee on any particular date or dates specified by the audit.

(5) The Examiner Local Fund shall after the audit, prepare an audit report and furnish one copy of the said report to the Market Committee and the other to the Chairman, Himachal Pradesh Marketing Board.

(6) The Chairman and the Secretary, Market Committee, shall on receipt of audit report, take immediate action and record their reply within 30 days against each of the points raised therein showing the action taken or proposed to be taken thereon.

(7) The Market Committee shall, within 60 days of the date of receipt of the audit report, consider the audit report and the objection statement together with the reply recorded or action taken under sub-rule (6) at a special meeting to be held solely for the purpose and shall also pass resolution or resolutions expressing its comments and decisions on the action taken by the Chairman, the Secretary or any other person authorised by the Committee in this regard.

(8) A duly authenticated compliance of the audit report showing the action taken by the officers of the Committee and the comments and decisions of the Committee on each point shall be sent to the audit officer and the Chairman, Himachal Pradesh Marketing Board within 90 days of the date of receipt of the audit report; and a compliance report regarding objection statement shall be similarly prepared and authenticated by the Secretary or any other person authorised by the Committee in this behalf and approved by the Chairman, Market Committee, and shall be kept in the office of the Market Committee, and shall also on demand, be placed before the inspecting officers.

(9) The audit report shall be open to inspection by the members of the Committee and the licensees, free of charge, in the office of the Committee and a certified copy thereof may be obtained by any person from the said office on payment of an amount at the rate of 25 paise per folio, subject to the specification in the bye-laws of the Committee in this matter.

(10) All expenses including fees in connection with the audit of accounts of the Committee shall be met by the Committee from out of the Market Committee fund; and as such the Committee may contribute annually to the Government revenue such sum not exceeding 3 per cent of its total expenditure as may be specified in the bye-laws or determined by the Chairman, Himachal Pradesh Marketing Board.

Section 33
(9) (vii) and
(viii).

101. Refund of amount in certain cases.—(1) The Committee may refund the amount paid to it in the following cases:—

- (i) where any sum has been deposited for the issue of licence which has not been issued;
- (ii) where a person has wrongly applied and paid for and has been issued two or more licences of the same nature in his name for the same notified market area or market yard or sub-market yard as the case may be;
- (iii) where any market fee has been recovered on a transaction which is exempt under the Act or these rules, or has been recovered in excess of the amount actually due;
- (iv) where any money has been paid to the Committee against a receipt by mistake:

Provided that no such refund shall be made without a written application for refund within six months of such deposit to the Chairman of the Committee, who after such an enquiry as he may consider necessary, order the refund of the appropriate amount, which shall be repaid to the person concerned, after preparing refund bill, out of the Market Committee fund.

(2) The powers conferred on the Chairman of the Market Committee by sub-rule (1) may also be exercised by the Secretary, Market Committee if so desired by the Chairman.

(3) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be traced.

(4) The refund bill prepared in the Committee office shall be duly passed for payment by the Secretary but inevitably countersigned by the Chairman of the Committee.

FORM 'A'

[See rule 7 (i)(ii)]

APPLICATION FORM FOR LICENCE UNDER SECTION 8

To
The Secretary,
Himachal Pradesh Marketing Board,
.....

THROUGH:
The Secretary,
Market Committee,

Sir,
The particulars of my business are given below:—

1. Name of the applicant with full address.....
2. Place of business for which licence is applied for (give the name or number of the building and the name or number of the street or other description sufficient to identify the premises).....
3. If the applicant is a firm, is it a Hindu-joint-family Firm, or otherwise constituted and has it been registered or not?.....
4. If the applicant is a firm, give the names of all persons constituting the firm with parentage, residence and address:

Sl. No.	Name	Father's/Husband's Name	Full address
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5. Name of the managing proprietor or manager of the firm.....
6. Name and style under which the applicant will work.....
7. Has the applicant or, where the applicant is a firm has any member thereof, singly or in collaboration with anybody else, been granted a dealer's licence in any notified market area in the State and has such licence been suspended or cancelled? If so, when, for what period and for what reasons.....
8. Particulars of the business for which the licence is required:—
 - (1) Kacha Arhtiya.
 - (2) Commission Agent.
 - (3) Storage.
 - (4) Processing.
 - (5) Buyer or seller or both.

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to abide by the provisions of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) and rules and bye-laws made thereunder.
I shall be responsible for all acts of my employees.

It is requested that a licence under section 8 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) may kindly be granted to me.

Signature of applicant,

To be filled in by the office of the Committee

Licence fee received	No. of receipt	date of receipt	Page of cash book where entry made	where

VERIFIED:

Secretary,
Market Committee.

Accountant.

FORM 'B'

[See rule 7(3)]

LICENCE FORM UNDER SECTION 8

This licence is granted to M/s.....subject to conditions prescribed hereunder:—

- Notified market area.....
1. Serial No. of licence.....
 2. Name of the managing proprietor or manager of the firm with parentage.....
 3. Date from which the licence takes effect.....
 4. Date on which the licence expires.....
 5. Particulars of the business for which the licence is valid:—
 - (1) Kacha Arhtiya.
 - (2) Commission Agent.
 - (3) Storage.
 - (4) Processing.
 - (5) Buyer or seller or both.
 6. Place of business.....

Secretary,
Himachal Pradesh Marketing Board.

Place
Date

CONDITIONS OF LICENCE

1. The licensee shall comply with the provisions of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of the Act, the rules and bye-laws and shall report in writing to the Market Committee any evasion or breach which comes to his knowledge.

3. He shall surrender his licence on demand to the Secretary of the Board or any other officer authorised by him in this behalf or the Secretary of the Committee against a receipt to be given to the licensee in this connection.
4. He shall conduct his business honestly and properly according to the principles of fair dealings.
5. He shall display his licence at a conspicuous place on his business premises.
6. He shall keep his business premises clean and in a suitable condition for storage of agricultural produce.
7. He shall not boycott or encourage boycott of any other licensee.
8. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
9. He shall not take or continue in his service any licensed broker, weighman, measurer, surveyor or palledar.
10. He shall be responsible for the safe custody and protection of the agricultural produce brought to his shop for sale or storage.
11. He shall get his business premises insured against fire.
12. He shall not form a pool or combination with other buyers for eliminating competition and shall not make or abet an attempt to do so in order to deprive the seller of a fair price of his produce.
13. He shall regularly and promptly attend personally or through an approved representative of auctions held in the market.
14. He shall, on the expiry or sooner termination of the licence, surrender the same to the committee.
15. He shall, when desired by the Secretary of the Committee or any officer authorised by it furnish correct information on the matters pertaining to his business.

FORM 'C'

[See rules 7(3) and 63(3)]

REGISTER OF LICENCES ISSUED UNDER SECTIONS 8 AND 11

1. Notified market area.....
2. Name of the firm/applicant.....
3. Address of the premises.....
4. Name of the managing proprietor or manager with parentage.....
5. Licence No.....
6. Nature of licence.....
7. Name of the partners:

Sl. No.	Name	Father's name	Address
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Date of entry	Date from which the licence takes effect	Date on which the licence expires	Licence fee received	Receipt No. and date	Signature of issuing authority with designation	Remarks
1	2	3	4	5	6	7

FORM 'D'

[See rule 63(1)]

APPLICATION FORM FOR LICENCE UNDER SECTION 11

To

The Secretary,
Market Committee,

Sir,

The particulars of my business are given below:—

1. Name of the applicant with parentage, residence and address in full.....
2. If the applicant is a firm, is it a Hindu-Joint-Family Firm, or otherwise constituted and has it been registered or not?.....
3. If the applicant is a firm, give the names of all persons constituting it with parentage, residence and address, in full of each:

Sl. No.	Name	Father's/Husband's name
---------	------	-------------------------

4. Name of the managing proprietor or manager who will actually conduct the business.....
5. Name or style under which the applicant will conduct his business.....
6. Does the applicant wish to be licensed as a broker/weighman/measurer/surveyor/godown-keeper/palledar?.....
7. Has the licence, if any, granted previously to the applicant, or if the applicant is a firm, to any member thereof, singly or in collaboration with anybody else, for working as a broker, weighman, measurer, surveyor, godown-keeper or palledar in any notified market area been cancelled? If so, where, when, for what period and for what reason?.....

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to abide by provisions of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) and rules and bye-laws made thereunder.

I shall be responsible for all acts of my employees.

It is, therefore, requested that the licence under section 11 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) may kindly be granted to me.

Signature of the applicant.

Notes.—(1) a licence to work as a weighman, a measurer or a surveyor shall only be granted

to individuals and not to a firm.

- (2) In case the application is made by a firm, it may be signed by the managing proprietor only.

To be filled in by office

Licence fee received	No. of receipt	Date of receipt	Page of cash book where entry made
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VERIFIED/ATTESTED:

Accountant,
Market Committee.

Secretary,
Market Committee.

FORM 'E'

[See rule 63(2)]

LICENCE FORM UNDER SECTION 11

This licence is granted to M/s..... (name of the person or firm with full address) for doing his business as a broker/weighman/measurer/godown-keeper/palledar or surveyor in the notified market area.....

1. Serial No. of licence.....
2. Name of the managing proprietor.....
3. Date from which the licence takes effect.....
4. Date on which the licence expires.....
5. Place of business.....

Place.....
Date

Signature of the Secretary,
Market Committee with seal.

CONDITIONS OF LICENCE

1. The licensee shall comply with the provisions of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and bye-laws mentioned under (1) and will report in writing to the Committee any evasion or breach which comes to his notice.
3. He shall surrender his licence on demand by the Secretary to the Committee or any other officer authorised by the Committee in writing in this behalf.
4. He shall conduct his business honestly and properly according to the principles of fair dealings.
5. He shall not boycott or encourage boycott of any other licensee.

6. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
7. The licensee, except the godown-keeper, shall not accept any service under the dealer.
8. If the licensee is a weighman, measurer or surveyor or palledar, he shall abide by such arrangements which may be made by the Market Committee with a view to ensuring the availability of their services as and when required. The licensee shall bear the badge provided to him by the Market Committee, during the hours of his business.
9. If the licensee is a godown-keeper, he shall keep his godown neat, clean and tidy to the satisfaction of the Committee.

FORM 'F'

[See rule 12(1)]

APPLICATION FORM FOR THE RENEWAL OF LICENCE UNDER SECTION 8

To

The Secretary,
Himachal Pradesh Marketing Board,

THROUGH:

The Secretary,
Market Committee,

Sir,

I request for the renewal of my licence. The necessary particulars are given here below:—

1. Name of the notified market area for which the licence has been issued
 2. Name of the applicant (with full particulars of the place of business)
 3. Name of the managing proprietor or the manager of the firm, if any
 4. No. of licence
 5. Date on which the licence expires
 6. Period for which renewal is requested
 7. Fee paid Rs.
 8. Penalty paid, if any, Rs.
 9. Has the applicant or where the applicant is a firm, has any member thereof singly or in collaboration with anybody else, been,—
 - (a) granted a dealer's licence in any notified market area in the State and has his licence been suspended or cancelled. If so, when, where, for what period and for what reasons; or
 - (b) convicted on an offence affecting the said person's integrity as a man of business. If so, the date of conviction; or
 - (c) declared as an undischarged insolvent
- Certified that the facts set out in the application are true to my knowledge.

Date

Signature of the applicant.

To be filled in by the office of the Committee

Renewal licence fee received	Penalty received, if any	No. of receipt	Date of receipt	Page of cash book where entry made	Remarks
1	2	3	4	5	6

No.....

Dated

Contents of the application verified.

Accountant,

Market Committee.

Forwarded to the Secretary, Himachal Pradesh Agricultural Marketing Board,
for necessary action.

Secretary,

Market Committee.

Report by the office of the Board

.....
.....
.....
Date.....

Orders of the licensing authority

.....
.....
Date.....

Signature with designation.

FORM 'G'

[See rule 65(1)]

APPLICATION FORM FOR THE RENEWAL OF A LICENCE UNDER SECTION 11
To

The Secretary,
Market Committee,

Sir,

I request for the renewal of my licence. The necessary particulars are given below:—

1. Name of the notified market area for which the licence has been issued.....
2. Name of the applicant (with full particulars of the place of business).....
3. Name of the managing proprietor or the manager of the firm, if any,.....
4. Number of licence.....
5. Date on which the licence expires.....
6. Period for which renewal is requested.....
7. Fee paid Rs.....

8. Penalty paid, if any, Rs.....
9. Has the applicant, or where in the case of a godown-keeper the applicant is a firm, has any members thereof, singly or in collaboration with anybody else, been granted a licence for working as a broker, weighman, measurer, surveyor or godown-keeper or palledar in any notified market area in the State and has such licence been suspended or cancelled. If so, when, where, for what period and for what reasons?

Certified that all the facts set out in the application are true to my knowledge.

Date.....

Signature of the Applicant.

To be filled in by the office of the Committee

Renewal licence fee received	Penalty received, if any	No. of receipt	Date of receipt	Page of cash book where entry made	Remarks
1	2	3	4	5	6

VERIFIED:

Secretary,

Accountant,

Market Committee,.....

Market Committee,.....

Report by the Office of the Committee

Order of the Licensing Authority

Date

Signature with designation.

FORM 'H'

[See rule 68(8)]

AUCTION REGISTER

Date	Name of Kacha Arhtiya/Commission Agent	Name and address of seller	Description of produce	Approximate quantity	Rate which the produce has been sold	Name of buyer	Signature of Kacha Arhtiya/Commission Agent and buyer
------	--	----------------------------	------------------------	----------------------	--------------------------------------	---------------	---

Signature of the auctioneer/official concerned with seal of the Market Committee.

FORM 'I'

[See rule 68(12) and 68(13)]

BILL OF KACHA ARHTIYA/COMMISSION AGENT

Book No.

Serial No.

Name of market.....

Name of Kacha Arhtiya/Commission Agent.....

Date

Name of commodity	Weight	Rate	Total amount	Market charges	Grand total
-------------------	--------	------	--------------	----------------	-------------

Rs.

Rs.

Rs.

Commission

Weighment

Brokerage

Palledari

Filling and Sewing charges

Other charges

Total

Total

Acknowledgement by the buyer.

Signature of Kacha Arhtiya/
Commission Agent.

FORM 'J'

[See rule 68(14)]

SALES VOUCHER FOR THE SELLER

Book No.

Serial No.

Date of auction

Name of Kacha Arhtiya/Commission Agent.....

Name of seller..... Address of seller.....

Name of commodity	Name of the buyer	Weight	Rate	Total	Incidental charges	Net amount paid
-------------------	-------------------	--------	------	-------	--------------------	-----------------

Signature of seller.

Signature of Kacha Arhtiya/
Commission Agent.

FORM 'K'

[See rule 80(4)]

Book No.

Receipt No.

Market Committee.....

Date of receipt.....

Nature of receipt.....

Amount received.....

Received from.....

Signature of person receiving payment.

FORM 'L'

[See rule 81 (2)]

REGISTER OF PROCESSORS

Date of purchase	Name of agricultural produce	Notified market where purchases were made	Weight of the agricultural produce
------------------	------------------------------	---	------------------------------------

1

2

3

4

Date of payment of fee	Name of manufactured/extracted commodity	Weight of the manufactured/extracted commodity and date of manufacture/extraction	Remarks
------------------------	--	---	---------

5

6

7

8

Signature of the dealer.

FORM 'M'
[See rule 82(1)]

RETURN OF DAILY PURCHASES AND SALES

Date

Market Committee.....

Name of dealer.....Licence No.....

Last date when market fee paid with receipt No.....

Date of transaction	Name of commodity	Name of seller from whom purchased	Purchased		
			Weight	Rate	Value
1	2	3	4	5	6

Whether fee is leviable, if not, why?	Amount of fee leviable	Name of buyer to whom sold	Sold		
			Weight	Rate	Value
7	8	9	10	11	12

Total.....Total.....

Whether fee leviable, if not, why?	Amount of fee leviable	Remarks
13	14	15

Signature of the dealer.

FORM 'N'
[See rule 82(2)]

REGISTER OF SALE AND PURCHASE OF AGRICULTURAL PRODUCE

Market Committee.....Year.....Month.....

Date	Description of the agricultural produce sold	Name with No. of licence of dealer	Quantity of agricultural produce sold	Rate	Value of agricultural produce
1	2	3	4	5	6

Whether fee is leviable if not, why?	Fee charge-able	Fee recovered	No. and date of the receipt issued	Balance of fee to be recovered	Date of recovery of balance	Remarks
7	8	9	10	11	12	13

Monthly total.....

*Signature of the Accountant,
Market Committee.*

*Secretary,
Market Committee.*

FORM 'O'

[See rule 50(1)]

FORM OF ACCOUNT BOOK TO BE KEPT BY LICENSED DEALERS AND BROKERS

Name and address of the lender.....

Name and address of the borrower.....

Date	Particulars of advance given, interest due or repayment made	Advances or interest			Total
		Cash	Kind		
			Quantity	Money value	
1	2	3	4	5	6

Repayments		Total	Balance	Attestation by the lender	Signature or thumb impression of borrower	Remark	
Cash	Kind						
	Quantity	Money value					
7	8	9	10	11	12	13	14

FORM 'P'
[See rule 82(4)]
ASSESSMENT NOTICE

To

Whereas

(a) You, a Dealer Licensee No....., and licensed under section 8 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) of the..... notified market area, have not furnished return/correct return in Form 'M' for the period from..... to.....

(b) You, a Dealer Licensee No..... and licensed under section 8 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) of the..... notified market area have habitually made default in the submission of returns for the period from..... to..... and it appears to the Committee that you wilfully failed to furnish such returns in respect of the above-mentioned period. And it appears to be necessary to make assessment under rule 82 of the Himachal Pradesh Agricultural Produce Markets Rules, 1971 in respect of the above mentioned period. You are hereby directed to attend in person or by an authorised agent at (place)..... on (date)..... at (time)..... and produce or cause there to be produced, at the said time and place the accounts and documents specified below for the purpose of such assessment, together with the objections which you may wish to prefer and any evidence you may wish to adduce in support thereof and to show cause why in addition to the market fee levied on the basis of assessment a penalty prescribed under rule 82(9) of the said rules should not be imposed upon you. In the event of your failure to comply with this notice, the Committee shall proceed to assess under rule 82(8)..... to the best of its judgement.

Secretary,
Market Committee.....

COUNTERSIGNED BY:

Chairman,
Market Committee.....

FORM 'Q'
[See rule 82(11)]
DEMAND NOTICE

Market Committee.....
No....., Dated.....

To

M/s.....

You are hereby informed that your business during the period from..... to..... has been assessed for the levy of market fee and penalty, etc. as under:—

- (a) Assessed value of business.....
 (b) Market fee chargeable.....
 (c) Market fee already paid, if any.....
 (d) Net payable (b—c).....
 (e) Penalty.....
 (f) Total (d+c).....

You are hereby directed to pay the sum of Rs..... to the Market Committee,
at its office at (place).....on or
 before (date).....failing which the said sum will be recoverable
 from you as an arrear of land revenue.

Secretary,

COUNTERSIGNED BY:

Market Committee.....

Chairman,

Market Committee.....

FORM 'R'

[See rule 69(1)]

FORM OF AGREEMENT

Market Committee.....
 Name of market yard/notified market area.....

Book No.

Serial No.

Name of seller with full address	Name of commission agent if any, licence number and address	Name of the buyer or his agent and address	Name of agricultural produce sold with grades, if any	Approximate quantity grade-wise	Rate at which sold grade-wise	Total amount to be paid to the seller/producer
1	2	3	4	5	6	7

I hereby agree to take delivery of the above agricultural produce at the rate specified against it in column No. 6, and have no right to retract from this rate. I further agree to abide by the provisions of sub-rules (7) and (9) of rule 68 of the Himachal Pradesh Agricultural Produce Markets Rules, 1971.

Date.....

Signature of the buyer or his agent.

By order,
 K. C. PANDEYA,
 Secretary.